

# Enhesa flash

global ehs compliance assurance now also  
in French

No. 30 July 2006

Brussels • Washington

addressing developments  
throughout March and  
April 2006

Besides briefing you on recent Enhesa projects and Enhesa services on a regular basis, the **Enhesa Flash** is aimed at alerting you to new EHS Regulatory developments of interest to industry as they occur in over 70 countries and regions around the globe.

If you are not aware of what these new developments require from you and how they impact you, please contact Enhesa for additional support. Email us at [enhesa@enhesa.com](mailto:enhesa@enhesa.com).

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## Final Deadline for Electr(on)ic Equipment Manufacturers

As of 1 July 2006, electrical and electronic equipment falling under the scope of Directive 2002/95/EC (RoHS) may not be placed on the market if it contains lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE).

The maximum concentration value for lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE) is 0,1 % by weight in homogeneous materials; for cadmium the tolerance is 0,01 % by weight in homogeneous materials.

Seemingly a simple concept, the restriction of six substances in specified categories of products, the RoHS Directive has created very pressing problems for both producers and importers of such goods in seeking to access EU markets. Exemptions to the restrictions can be applied for but the process for getting these approved by the European Commission is both

long and far from transparent. With three amendments to the list of authorised exemptions (outlined in Annex I to RoHS Directive) already adopted before its entry into force, as well as confusion over differing interpretations of key terms such as 'placing on the market', the Directive's implementation is likely to prove a choppy ride.

The main challenge for producers of electrical and electronic equipment is how to ensure that all their suppliers use RoHS-compliant materials. There are several sector-specific industry efforts such as the Joint Industry Guide for Material Composition Declaration for Electronic Products and the IPC-1752 Reporting Standard issued by the Association Connecting Electronics Industries. However, in the absence of an official material content reporting template, suppliers must sign dozens, if not more, compliance declarations to demonstrate their compliance!

*(Continued on page 8)*

## Having your Product Turned Back is not an Option

Given the fast moving and over reaching impacts on products attributed to the WEEE and RoHS schemes in Europe – and similar schemes in other countries around the world – Enhesa has developed a service specifically focused on such issues. The Enhesa EEE service covers environmental regulatory obligations specific to electronic and medical device products in over 40 countries throughout Europe, Asia and the Americas. Enhesa will help you determine what directives apply to your products, what you need to do in each country to be in compliance, what responsibilities attach to the manufacturer vs. importer vs. users, and the full story with regard to exemptions.

The EEE services provides you not only with monthly updates on regulatory and policy developments in relation to the WEEE and RoHS type schemes but also a quick country-by-

country "executive roadmap" of the current situation. It is a very easy way to see what impacts your products in a single glance. Additionally, you have access to Enhesa advisors who can assist you with specific questions.

Enhesa also provides a platform to share best practices on dealing with these product issues with your peers. Just recently, Enhesa hosted a web seminar with Medical Devices companies on the impacts of WEEE and RoHS schemes around the world on their products. The Enhesa team provided the latest updates on regulatory issues and then different companies shared strategies on how they were addressing the situation. The response from participants was overwhelmingly positive.

The annual subscription for the EEE service is €5,000. To get more information please contact our office at [info@enhesa.com](mailto:info@enhesa.com).

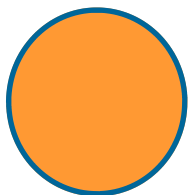
## Global Review of Site Contamination Regulations *(Continued on page 11)*

What are the regulations governing potential site contamination around the globe and what do we need to do in response to them? This

was the question which one of the leading companies in the bulk storage and handling of liquid and gaseous chemical and oil products across



During March and April 2006 several new environmental, health and safety regulations were adopted that could directly impact your business. The following overview provides you with a descriptive title for the regulatory developments per country, the formal adoption date and the ID number of the monitoring report in the Enhesa Knowledgebase.



## Asia Pacific

For more details on any of these developments, you can subscribe to the Enhesa Update (1000 EUR/year) or register to receive detailed monitoring reports. For further information visit <http://www.enhesa.com/enhesa/EN/service/monitoring.asp>

We are constantly expanding the geographic scope of our EHS Regulatory Monitoring.

The current number of countries covered on a daily, in-depth basis now stands at over 70.

### Australia

- Australian High Volume Industrial Chemicals List call for information with lowered reporting threshold - 2-May-06 [3006]
- The amended version of the National Code of Practice for the Preparation of Material Safety Data Sheets (MSDS) entered into force - 1-Apr-03 [4360]
- Energy Efficiency Opportunities Act 2006 commences - 6-Apr-06 [9949]
- Fees and charges set for new chemicals assessments and company registrations - 15-Apr-06 [7213]
- Introduction of Controlled Use Permit for the export of low regulatory concern chemicals - 20-Apr-06 [11618]
- Model Act for road transport of dangerous goods remade - 15-Feb-06 [11365]
- Model Regulations for road transport of dangerous goods remade - 15-Feb-06 [11370]
- NSW: All occupational health and safety licences to be converted to a National Certificate of Competency - [11422]
- NSW: Date by which construction workers must hold an OHS induction training certificate extended - 13-Apr-06 [11679]
- NSW: Definition of a worker for workers compensation purposes amended - 7-Dec-05 [8256]
- NSW: Energy and Utilities Administration Amendment (Airconditioners and Heat Pumps) Regulation 2006 - 31-Mar-06 [11383]
- NSW: Environmental Planning and Assessment Amendment (Existing Uses) Regulation 2006 - 29-Mar-06 [11399]
- NSW: Environmental Planning and Assessment Amendment (Major Projects) Regulation 2006 - 13-Apr-06 [11680]
- NSW: Local Government (General) Amendment (Stormwater) Regulation 2006 - [11614]
- NSW: Local Government Amendment (Stormwater) Act 2005 entered into force - 19-Oct-05 [10199]
- NSW: Minor amendments passed in the Environmental Planning and Assessment Act 2006 - 3-Apr-06 [11225]
- NSW: Occupational Health and Safety Regulations for long distance truck driver safety enter into force. - 10-Jun-05 [9127]
- NSW: Protection of the Environment Operations (General) Regulation 1998 amended - 28-Apr-06 [2003]
- NSW: Protection of the Environment Operations (Penalty Notices) Regulation 2004 amended - 28-Apr-06 [7417]
- Victoria: Requirement for all workplaces to be smoke free - [11414]

- NSW: Protection of the Environment Operations Amendment Act 2005 entered into force - 24-Nov-05 [9284]
- NSW: Standard Instrument (Local Environmental Plans) Order 2006 passed - 31-Mar-06 [10201]
- Victoria: Equipment efficiency standard amendments for single-phase household airconditioners, heat pumps and three-phase cage induction motors - 28-Mar-06 [11382]

### New Zealand

- Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 amended - 15-Dec-05 [10095]
- Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Act entered into force - 21-Dec-05 [7741]
- Resource Management (Forms, Fees and Procedure) Regulations 2003 adopted - 30-Jun-03 [6028]
- Resource Management (Infringement Offences) Amendment Regulations - 10-Apr-06 [11753]

### Taiwan

- Octabromodiphenyl ether and pentabromodiphenyl ether under regulatory control - 30-Dec-05 [11438]

### Singapore

- New rules for foreign domestic workers entering Singapore - 24-Mar-06 [11354]

### Hong Kong

- Clinical waste subject to tight regulatory control - 6-Apr-06 [9081]

### India

- Amendments to Schedule - I (Imports) of the ITC(HS) Classifications of Export and Import Items, 2004-09 - 7-Apr-06 [11569]
- Electricity Works of Licensee Rules, 2006 - 18-Apr-06 [11470]
- Import restrictions for Chloroform and Trichloroethane changed - 17-Feb-06 [11416]

### South Korea

- Energy Act adopted - 3-Mar-06 [7475]
- Establishment of the Health and Safety Committee detailed - 24-Mar-06 [9144]
- Law on prevention of proliferation of chemical and biological weapons amended - 28-Apr-06 [9154]
- Liability for groundwater use strengthened - 31-May-05 [4717]

(Continued on page 3)

# Asia Pacific



## Japan

- 240 new chemical substances were announced by the Ministry of Health, Labor and Welfare - 27-Mar-06 [11352]
- Marking for the presence of hazardous substances in electrical and electronic equipment required - 27-Apr-06 [11542]
- Reporting requirement for worker exposure to 5 chemicals - 15-Mar-06 [11420]

## Vietnam

- Environmental protection charges for mineral exploitation adopted - 30-Nov-05 [11348]

## China

- Requirements on safety training specified - 17-Jan-06 [11092]

## Pakistan

- Amendment to the Employment of Children Act, 1991 - 20-Dec-05 [11289]
- Pakistan approved a National Operational Strategy for the Clean Development Mechanism (CDM) - 11-Jan-06 [11694]

## Hong Kong

- Clinical waste subject to tight regulatory control - 6-Apr-06 [9081]

# Africa and the Middle East

## South Africa

- Environmental Impact Assessment Regulations, 2006 adopted - 21-Apr-06 [8325]
- National Environmental Management Amendment Act, 2004 comes into effect increasing emphasis on enforcement - 9-Feb-04 [6618]

- Regulations on Safety Standards and Regulatory Practices adopted under the National Nuclear Regulator Act - 28-Apr-06 [11627]
- Vaal Triangle declared a Priority Area under the Air Quality Act, 2004 - 21-Apr-06 [10209]

# European Union

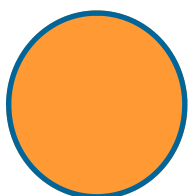
- Airborne noise standards adopted - 1-Dec-86 [9386]
- Consolidated Directive on plastic materials and articles intended to come into contact with foodstuffs - 1-Aug-02 [3292]
- Decision 96/335/EC establishing an inventory and a common nomenclature of ingredients employed in cosmetic products amended - 9-Feb-06 [11594]
- Directive 2006/21/EC on the management of waste from extractive industries issued - 11-Apr-06 [11233]
- Directive 2006/32/EC on energy end-use efficiency and energy services adopted - 5-Apr-06 [6442]
- Directive 98/8/EC concerning the placing of biocidal products on the market - 16-Feb-98 [11552]
- Directive banning toys containing phthalates adopted - 14-Dec-05 [8347]
- Directive on minimum requirements for exposure from artificial optical radiation adopted - 5-Apr-06 [8248]
- EMAS logo may be used on transport packaging and tertiary packaging - 1-Mar-06 [11316]
- Further exemptions from RoHS Directive concerning lead adopted - 21-Apr-06 [11189]
- Harmonized standards for construction products published - 14-Dec-05 [11459]
- Regulation on drug precursors adopted - 22-Dec-04 [7935]
- High Level Group on Competitiveness, Energy and the Environment launched - 8-Feb-06 [11218]
- New standards and amendments to Directive 89/655/EEC on use of work equipment published. - 27-Jun-01 [2634]
- New standards for the retreading process and the final quality of retreaded tyres - 4-Apr-06 [11765]
- Opinion on the environmental part of the risk assessment of 1-methoxypropan-2-ol (PGME) adopted - 17-Mar-06 [11589]
- Public consultation on the ban of certain cosmetic ingredients - 1-Apr-06 [11600]
- Questionnaire on the implementation of IPPC Directive published - 2-Mar-06 [11307]
- Reaction-to-fire testing of certain construction products classified as Classes A1 and Class A1FL is not required - 4-Oct-96 [11445]
- Regulation on restriction of use of certain epoxy derivatives in food contact materials and articles adopted - 18-Nov-05 [11563]
- Report on the application of emissions trading directive issued by European Environment Agency - 5-Apr-06 [11681]
- Risk reduction measures for 11 substances adopted - 11-Apr-06 [11544]
- Testing and information requirements for importers and manufacturers of certain priority substances required - 6-Apr-06 [11543]

### Measure your compliance performance

Are all of your facilities in compliance with these EHS regulatory requirements?

Enhesa develops Score-Cards and Audit Protocols that can be used by facility and corporate management to identify weaknesses and ensure compliance.

For help with identifying and understanding legal requirements before they impact your business, please contact us at [info@enhesa.com](mailto:info@enhesa.com) for further details.



## Central and Eastern Europe

### Poland

- Atomic Law amended - 24-Feb-06 [11532]
- List of organisational units supervised by the Minister of Environment adopted - 20-Feb-06 [11561]
- Ordinance adopted on conditions and methods of calculating costs for the verification of annual reports on greenhouse gas emissions - 10-Apr-06 [11288]
- Ordinance adopted on establishing costs of inspections carried out by Inspectors for Environmental Protection - 10-Apr-06 [11560]
- Ordinance adopted on information required for elaboration of a national allocation plan - 7-Mar-06 [11304]
- Ordinance adopted on insurance against civil responsibility in the field of management of electrical and electronic equipment - 9-Mar-06 [11305]
- Ordinance adopted on methods of submitting information on air pollution - 5-Apr-06 [11530]
- Ordinance adopted on prevention of pollution by ships - 15-Mar-06 [11349]
- Ordinance adopted on recovery and neutralisation of waste outside installations - 21-Mar-06 [11343]
- Ordinance adopted on the format of annual reports on product charges for electrical and electronic equipment - 20-Feb-06 [11286]
- Ordinance adopted on the format of reports on treated waste electrical and electronic equipment - 3-Mar-06 [11314]
- Ordinance adopted on types of installations covered by the community emissions trading system for the period 2008-2012 - 31-Mar-06 [11533]
- Ordinance amended on high-risk and increased-risk facilities - 31-Jan-06 [11285]
- Ordinance amended on the criteria and procedures for allowing waste to be placed on certain types of landfill sites - 7-Sep-05 [9207]
- Ordinance on the list of essential components of end-of-life vehicles replaced - 24-Mar-06 [11557]
- Plans for waste management amended - 13-Mar-06 [11315]
- Statute on Environmental Protection Law and some other statutes amended - 24-Feb-06 [11367]

### Czech Republic

- Act amending Act on public water supply systems and sewer systems adopted - 3-Feb-06 [11421]

- Act on prevention of major industrial accidents adopted - 2-Feb-06 [8463]
- Amendment to EIA Act adopted - 24-Mar-06 [11574]
- Amendment to the Packaging Act adopted - 1-Feb-06 [8823]
- Regulation on the protection of health against noise and vibrations adopted - 15-Mar-06 [11576]
- Temporary change to transboundary waste shipment regime - 3-Apr-06 [11427]

### Turkey

- Amendment to Notification on Controlled Waste 2006/3 - 28-Apr-06 [8037]
- Amendment to the Regulation on assessment and management of environmental noise (2002/49/EC) - 19-Apr-06 [9472]
- Notification on the basic criteria for accredited companies entrusted with the application of cableway installations designed to carry persons - 15-Apr-06 [11721]
- Regulation concerning the quality required of surface water intended for the abstraction of drinking water (75/440/EEC) - 20-Nov-05 [11748]
- Repealed compulsory standards on lifts and cables - 29-Mar-06 [11372]
- Repealed Statutes on Occupational Health and Safety - 28-Apr-06 [11595] burning gaseous fuels - 10-Feb-06 [11128]

### Russia

- Federal Law on Subsoil amended - 15-Apr-06 [11714]
- Holder Confirmation Document format for licences adopted - 11-Apr-06 [11711]
- Regulation on Maintenance of the Unified State Registry of Conformity Certificates Adopted - 10-Apr-06 [11730]

### Hungary

- Asbestos exposure decree adopted - 23-Mar-06 [11447]
- Decree on the restriction of certain hazardous substances in electrical and electronic equipment amended - 28-Apr-06 [11717]
- WEEE Take-back Decree amended - 25-Apr-06 [11658]

### Ukraine

- Instruction on completion and contents of documentation where justifications for the emission volumes are provided, has been adopted - 9-Mar-06 [11461]
- Law on Chemical Sources of Electricity adopted - 23-Feb-06 [11391]

(Continued on page 5)

# Central and Eastern Europe



## Romania

- Amendment to former Decisions relating to classification, packaging and labelling of dangerous chemical substances adopted - 9-Feb-06 [11509]
- Decision for the approval of methodological norms for the enforcement of the land rehabilitation Law adopted - 22-Dec-05 [11519]
- Decision for the approval of the National Action Plan for Climate Change adopted - 22-Dec-05 [11521]
- Law for the approval of the re-organization of phyto-sanitary quarantine requirements for plant protection adopted - 1-Mar-06 [11503]
- Order for the approval of the Manual for modernisation and development of the Integrated Water Monitoring System in Romania (SMIAR) adopted - 13-Jan-06 [11510]
- Order for the approval of the manual guide for the application of the environmental assessment procedure for plans and programmes adopted - 2-Feb-06 [11523]
- Order for the approval of the Romanian standards list, adopting the European harmonised standards for equipment using gaseous fuels adopted - 8-Feb-06 [11513]
- Order relating to activities involving PCBs, and PCB elimination and PCB decontamination adopted - 13-Mar-06 [11512]

## Serbia-Montenegro

- Serbia: Ordinance on Determining the Air Quality Control Programme for 2006 and 2007 adopted - 17-Mar-06 [11499]
- Serbia: Rules on Conditions and Costs of Issuance of Licenses for the Performance of Occupational Health and Safety Activities adopted - 28-Mar-06 [11775]
- Serbia: Rules on Form and Content of Integrated Permit enacted - 31-Mar-06 [11773]
- Serbia: Rules on Form, Content and Manner of Filling Out the Request for the Issuance of the Integrated Permit enacted - 31-Mar-06 [11774]
- Serbia: Rules on Supplements on Gas Concentration Limits Amended - 7-Mar-06 [11502]
- Serbia: Rules on the Professional Exam for Performance of Occupational Health and Safety Activities - 7-Apr-06 [11776]

### Over 70 EHS Audit Protocols available

ENHESA currently has EHS audit protocols for over 70 countries and regions, specifically designed to help you assess compliance at a range of facilities worldwide.

Since the issue of the Enhesa Flash in June 2006, ENHESA has developed or updated comprehensive EHS Audit Protocols for the following countries:

- Sweden
- Spain
- Indonesia
- US (Wyoming)
- Thailand
- Western Australia
- Russia
- Mexico
- Netherlands
- Qatar
- Germany
- Ireland
- Malta

To find out about purchasing any of these, or having a tailor-made audit protocol drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at [info@enhesa.com](mailto:info@enhesa.com).

Audit Protocols are complemented by ScoreCards, which offer an easy-to-use tool for assessing compliance.

# Western Europe

## The Netherlands

- Adopted amendment to Working Conditions Policy Rules relating to occupational noise exposure, asbestos removal and exposure to vibrations - 16-Mar-06 [11515]
- Amended Annex 6 to the Working Conditions Policy Rule introducing, changing and removing guidance exposure limit values for various substances - 13-Mar-06 [11504]
- Amended Annexes VI and VII to the Working Conditions Rule introducing, changing and removing legal exposure limit values for various substances - 13-Mar-06 [11505]
- Amended Rule on noise emissions from equipment used outdoors - 13-Apr-06 [11628]
- Issued Circular on Soil Remediation 2006 - 28-Apr-06 [11629]

## Italy

- New "Environmental Code" enters into force - 14-Apr-06 [9939]
- New requirements on the monitoring and recovery of ODS from cooling and air conditioning systems - 11-Apr-06 [11692]
- Published the schedule for submitting the applications for IPPC authorization for installations of national relevance - 19-Apr-06 [11772]

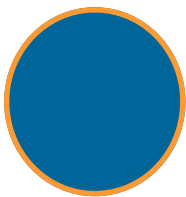
## Austria

- Act on Air Quality Control amended - 16-Mar-06 [11919]
- Ordinance on quality criteria for surface waters adopted - [9471]

## Norway

- Regulation EC/648/2004 on detergents has been implemented in Regulations on products - 6-Mar-06 [9309]

(Continued on page 6)



## Western Europe

(Continued from page 5)

### Over 60 EHS Country Profiles available

Enhesa's array of EHS Country Profiles is continually growing. To date we have Country Profiles for more than sixty countries. ENHESA has recently developed or updated comprehensive EHS country profiles for the following countries:

- China
- Japan
- India
- Poland
- Germany
- Switzerland
- United States
- Netherlands
- Canada (Federal & British Columbia)
- Australia (Commonwealth)

To find out about purchasing any of these, or having a tailor-made EHS country profile drafted for your specific operations, please contact us on +32 2 775 97 97 or email us at [info@enhesa.com](mailto:info@enhesa.com).

### Denmark

- Proposal for Statutory Order relating to nonylphenol, nonylphenol ethoxylates and cement issued - [6538]
- Proposed changes to the Act on financial support for electricity production - [6406]
- Statutory Order on marketing and labelling of paints, varnishes and vehicle refinishing containing VOC's enter into force - 12-Nov-05 [9273]

### France

- Decree 2006-283 on underground storage of hazardous products waste - 10-Mar-06 [11355]
- Decree on noise maps and noise prevention plans adopted - 24-Mar-06 [11346]
- Decree on periodical inspection of certain categories of classified installations subject to declaration adopted - 13-Apr-06 [11601]
- Decree on the authorization of installation storing inert waste adopted - 15-Mar-06 [11340]
- Decree on the chain of hazardous waste disposal adopted - 30-May-05 [11674]
- List of substances which cosmetic products must not contain except subject to the restrictions and conditions laid down amended - 7-Apr-06 [11621]
- List of substances which must not form part of the composition of cosmetic products amended - 7-Apr-06 [10674]
- Order creating the national register on EEE producers adopted - 13-Mar-06 [11329]
- Order for certifying bodies controlling radiation protection adopted - 20-Mar-06 [11633]
- Order of general prescriptions for installations producing medicines amended - 13-Oct-04 [11361]
- Order on classification and assessment of conformity of tanks adopted - 23-Jun-05 [11371]
- Order on the establishment of noise maps and ambient noise prevention plans adopted - 4-Apr-06 [11592]
- Order setting the list of inert waste admissible in installations storing inert waste adopted - 15-Mar-06 [11339]
- Order setting the list of laboratories certified for measuring the radioactivity in the environment - 24-Feb-06 [11356]
- Use of vitamin K1 in cosmetics banned - 8-Mar-06 [11599]

### Portugal

- Decree Law creates Portuguese Carbon Fund - [11312]
- Decree Law on energy certificates for buildings adopted - 4-Apr-06 [11733]
- Decree-Law on minimum health and safety protection of employees to exposure to mechanical vibrations adopted - 24-Feb-06 [11135]
- Decree-Law regulating energy consumption and internal air quality of buildings adopted - 4-Apr-06 [11735]
- Ordinance on monitoring of air pollutants adopted - 23-Jan-06 [11134]
- Regulation on the notification, classification, labelling and packaging of dangerous substances amended - 10-Feb-06 [11136]

### Finland

- Act amending the Act on Health Protection adopted - 21-Apr-06 [11702]
- Adopted an Act amending the Chemicals Act - 21-Apr-06 [11558]
- Decree amending the Decree on asbestos work adopted - 27-Apr-06 [11699]
- Decree amending the Decree on environmental administrative fees adopted - 24-Mar-06 [11746]
- Decree amending the Decree on health protection adopted - 23-Mar-06 [11747]
- Decree amending the Decree on landfill sites adopted - 23-Mar-06 [11710]
- Decree amending the Decree on the restriction of hazardous substances in electrical and electronic equipment - 5-Jan-06 [11707]
- Decree on phthalates in childcare articles and toys adopted - 30-Mar-06 [11708]

### Germany

- Binding occupational exposure limit values for lead, benzene, asbestos - 1-Mar-06 [11770]
- Ordinance on Transport of Dangerous Goods by Inland Waterways adapted to ADNR 2006 - 3-Mar-06 [11325]
- BW: Environmental Information Act adopted - 7-Mar-06 [11327]
- Bay: Amendment to Waste Act and Soil Protection Act Bay - 5-Apr-06 [11326]
- NRW: Regulatory relief for EMAS and ISO 14001 sites - 28-Feb-06 [11675]
- RP: Amendment to the Ordinance on self monitoring of wastewater installations - 21-Apr-06 [11615]
- RP: Amendment to the Ordinance on the competences in the field of waste management - 4-Apr-06 [11635]

(Continued on page 7)

# Western Europe



## Belgium

- Fourth amendment to the Montreal Protocol on ozone depleting substances adopted - 22-Mar-06 [11725]
- Law on strategic environmental assessment adopted - 13-Feb-06 [11417]
- Public consultation on limit values of occupational exposure to chemicals opened - 1-Mar-06 [11424]
- Royal Order delaying the implementation of noise emission limits applying to certain outdoor equipments adopted - 20-Feb-06 [11413]
- Royal Order on asbestos exposure adopted - 16-Mar-06 [11403]
- Royal Order on temporary or mobile construction sites amended - 22-Mar-06 [11719]
- Wallonia: Decree on public access to environmental information adopted - 16-Mar-06 [11678]
- Wallonia: Greenhouse gas allocations for 2006 adopted - 23-Feb-06 [11434]

## Spain

- Amendment to Annex I to Royal Decree 1406/1989 on marketing and use restrictions of 1,3-butadiene and animal testing - 20-Apr-06 [11695]
- Authorization and operation of water quality certification entities regulated - 23-Mar-06 [11751]
- Law on Strategic Environmental Assessment adopted - 28-Apr-06 [8976]
- Occupational exposure to asbestos further regulated - 31-Mar-06 [11634]
- Packaging and packaging waste recycling and recovery objectives further regulated - 3-Mar-06 [11722]
- Royal Decree on the occupational health and safety protection of employees from noise exposure adopted - 10-Mar-06 [11282]
- Technical Code on Construction Activities approved - 17-Mar-06 [11755]
- Updated ICAO's Technical Instructions Edition 2005-2006 on the Safe Transport of Dangerous Goods by Air - 7-Mar-06 [4799]
- Navarra: Decree on wastewater discharge control into public sewers adopted - 13-Mar-06 [11283]

## Ireland

- Adopted the European Communities (Road Transport) (Recording Equipment) Regulations 2006 - 20-Feb-06 [11368]
- Environmental Noise Regulations 2006 adopted - 29-Mar-06 [11608]
- European Communities (Detergents) Regulations adopted - 20-Dec-05 [11603]
- European Communities (Energy Performance of Buildings) Regulations 2005 adopted - 21-Dec-06 [11604]
- European Communities (Plastic and other materials) (Contact with food) Regulations 2006 - 28-Mar-06 [11605]
- European Communities (Road Transport) Regulations 2006 adopted - 20-Feb-06 [11606]

## Luxembourg

- Grand Ducal Regulation on energy labelling of household air conditioners adopted - 28-Feb-06 [11436]
- Grand Ducal Regulation on energy labelling of household electric ovens - 28-Feb-06 [11439]
- Grand Ducal Regulation on packaging and packaging waste amended - [11432]
- Grand-Ducal Regulation delaying the implementation of noise emission limits applying to certain outdoor equipments adopted - 19-Apr-06 [11750]
- Grand-Ducal Regulation on criteria and procedures for the acceptance of waste at landfills adopted - 17-Feb-06 [11443]
- Grand-Ducal Regulation on end-of-life vehicles amended - 17-Apr-06 [11745]

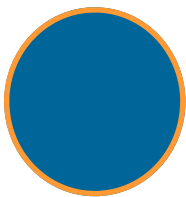
## Sweden

- Proposal on revised Act on general product safety issued - [7201]
- Regulations on scaffolding enter into force - 18-May-04 [7198]
- The Swedish Energy Agency takes over the responsibility of enforcement authority for issues relating to Ordinance on labeling households appliances - 1-Jan-06 [11431]

(Continued on page 8)

**Find the right tools and support for your compliance needs worldwide**

- **Enhesa's Regulatory Register** identifies and provides access to the relevant and applicable legislative requirements.
- **The Monitoring Reports** help you to anticipate and manage regulatory change.
- **Audit Protocols and ScoreCards** measure your performance in terms of compliance assurance.
- **Chemical Tracking Service** to make sure you are kept way ahead of developments in chemical restrictions. This service offers you with a multi-lingual search function to be able to research individual chemicals.



## Final Deadline for Electr(on)ic Equipment Manufacturers

*(Continued from page 1)*

Despite calls for more harmonization in content reporting, the European Commission has so far refused to take action. To fill this void, enforcement authorities at Member State level have teamed up in an EU RoHS Enforcement Authorities Informal Network. The result is a RoHS Enforcement Guidance Document which provides advice to producers of electrical and electronic products on the type of documentation they need to keep. It is unclear at this stage how the enforcement authorities will proceed, but some will likely work together with customs (preventing non-compliant products to enter the market). In this highly competitive market, it is also probable that competitors will tip the enforcement agencies on non-compliant products. Many companies do want to get the credit for the efforts they have put in making their products compliant and do not want to let free-riders benefit from weak enforcement.

A further response to calls from EU producers and importers may yet come from the other side of the world. China is working fast to implement its own RoHS legislation, currently scheduled to enter into force on 1 March 2007. The Chinese Regulation foresees compulsory product certification with respect to the affected products. The embracement of this mechanism (similar to a compliance verification instrument) by such a crucial market may yet cause European lawmakers to change their approach. Besides China, other countries including Ja-

pan, South Korea, Taiwan, Australia, Norway and Turkey are following in the EU's footsteps and designing local RoHS legislation. Be it for environmental concerns or out of fear of losing competitiveness, harmonisation in materials conformity declarations will have to be revisited in the future.

While producers scratch their heads over how to ensure compliance with the requirements of the RoHS Directive as it stands, the European Commission is already planning its further reform. The ongoing review of the Directive will bring currently exempted medical devices and monitoring and control equipment into its scope of application. In addition, the current methodology of establishing a general ban and then specifying a catalogue of specific exemptions has caused a lot of confusion and does not sit well with the Commission's "Better Regulation" initiative.

The fact remains that despite its numerous imperfections and criticism from industry, electrical and electronic equipment placed on the EU market as of 1 July 2006 will be subject to the hazardous materials restrictions detailed above. And just in case you thought that the entire scheme would be too complicated for the authorities to enforce, don't forget that nobody likes a free rider.

It seems that in the end there will be as many different theories about RoHS's implementation as there are on its pronunciation.

- Alexander Cassavetti & Karola Maxianova

## Western Europe

*(Continued from page 7)*

### United Kingdom

- Consultation launched on the Landfill (England and Wales) Regulations 2005 - [8100]
- Consultation on amendments to Pollution Prevention and Control Regulations regarding public participation launched - [8396]
- Northern Ireland: The Pollution Prevention and Control (Miscellaneous Amendments) Regulations (Northern Ireland) 2006 - 9-Mar-06 [11596]
- Renewables Obligation Order 2006 - 1-Apr-06 [4632]
- The Offshore Installations (Safety Zones) Order 2006 adopted - 15-Feb-06 [11677]
- The Air Navigation (Dangerous Goods) (Amendment) Regulations 2006 adopted - 10-Apr-06 [11667]
- The Export and Import of Dangerous Chemicals Regulations 2005 - 23-Mar-05 [6840]
- The Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2006 adopted - 16-Mar-06 [10184]
- The Water Resources (Abstraction and Impounding) Regulations 2006 adopted - 10-Mar-06 [11351]
- Adopted the Building and Approved Inspectors (Amendment) Regulations 2006 - 9-Mar-06 [11369]
- Adopted the Natural Environment and Rural Communities Act 2006 - 30-Mar-06 [11593]
- Adopted the Regulatory Reform (Fire Safety) Order 2005 - 7-Jun-05 [9191]
- Consultation launched on new Regulations on energy labelling of household air conditioners - 14-Oct-04 [7722]

# North America

## Canada

- Notice with respect to selected substances identified as priority for action published - 4-Mar-06 [11359]
- Ontario: Bill 71 on the use of automated external heart defibrillators proposed - 6-Apr-06 [11762]
- Order amending the Domestic Substances List adopted - 27-Feb-06 [11485]

## United States

- Adopted Final Amendments clarifying requirements for Industrial Facilities During Periods of Startup, Shutdown and Malfunction - 31-Mar-06 [11650]
- Adopted Final Notice of reconsideration on Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule) - 28-Apr-06 [11647]
- Adopted Final Rule amending requirements in the Hazardous Materials Regulations (HMR) for the transportation of hazardous materials by aircraft. - 22-Mar-06 [11323]
- Adopted Final Rule on National Priorities List for Uncontrolled Hazardous Waste Sites - 19-Apr-06 [11639]
- Revoked: TSCA Section 4 Testing Requirements for Certain Chemical Substances - 12-Apr-06 [11617]
- Adopted Final Rule on Resource Conservation and Recovery Act Burden Reduction Initiative - 4-Apr-06 [11732]
- Adopted Final Rule on Testing of Certain High Production Volume Chemicals - 16-Mar-06 [11295]
- Adopted final rules finding that additional reductions in air toxics emissions are not necessary for four industry categories - 7-Apr-06 [11616]
- California: Approved - Amendments to Ambient Air Quality Standard for Ozone - 17-Apr-06 [11760]
- California: OEHHA adopts "safe harbor" provisions for Proposition 65 - 24-Mar-06 [11527]
- Withdrawn: Direct Final Rule on National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing - 14-Apr-06 [11638]
- Coast Guard announces new identification requirements for access to waterfront facilities - 28-Apr-06 [11609]
- Compliance date extended for existing sources involved in miscellaneous organic chemical manufacturing - 1-Mar-06 [11491]
- Finalised amendments to national emission standards for hazardous air pollutants (NESHAP) for hydrochloric acid (HCl) production facilities - 7-Apr-06 [11632]
- Illinois: Adopted addition of five categories to the existing list of exemptions from state air permit requirements - 17-Mar-06 [11534]
- Illinois: Adopted law to reduce toxic mercury emissions - 22-Apr-06 [11689]
- Illinois: Adopted revisions to corrective action requirements for UST releases and procedures for seeking payment from the UST Fund - 17-Mar-06 [11537]
- Illinois: Adopted revisions to sound emissions standards - 24-Mar-06 [11490]
- Illinois: Hazardous waste regulations amended in line with the federal regulations - 2-Feb-06 [11522]
- Illinois: Revised water quality standard for radium - 17-Mar-06 [11535]
- Indiana: Proposed state voluntary performance-based Environmental Stewardship Program - 1-Apr-06 [11739]
- Issued Notice of Acceptability expanding the list of acceptable substitutes for ozone-depleting substances - 29-Mar-06 [11450]
- Issued proposed rulemaking and request for public comment on an Energy Efficiency Program for Commercial and Industrial Equipment - 28-Apr-06 [11644]
- New Mexico: Adopted amendment to Prevention of Serious Deterioration (PSD) Rules for Albuquerque-Bernalillo County - 28-Apr-06 [11742]
- New Mexico: Public hearing on proposed amendments to the Hazardous Waste Fee Regulations - 28-Apr-06 [11740]
- New York: State Environmental Board Approves New Used Oil, Elemental Mercury and Dental Amalgam Regulations - 1-Mar-06 [11483]
- Texas: Established requirement for notification of "threats" to water supply and wastewater facilities - 18-Jun-05 [11577]

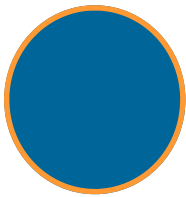
## New recruit to better serve the US market

To meet increasing domestic demand from our US clients, Enhesa has slowly but surely been expanding its coverage within the US at federal and state level. The Enhesa Regulatory Monitoring Reports already cover 17 States and Audit Protocols are also being developed for many of them. To further bolster our capabilities in this area, Enhesa recently recruited Jack Welsch to head up our US consulting team and better integrate it with our global team in Brussels.



Jack Welsch is an American lawyer, with a Juris Doctor and a Masters in Environmental Law from Vermont Law School and a BSc in Environmental Biology from Ohio University. He worked for Stateside Associates as Regulatory Counsel from 1998 to 2001 and as Senior Regulatory Counsel from 2001 to 2002 before joining the Virginia Department of Environmental Quality as Regional Enforcement Specialist from 2003-2005. He is admitted to the bar with the Supreme Court of Ohio (1997) and in DC (2000).

Having made the big move from the US to Belgium, Jack coordinates the work of our local US consultants for global customers. He also plays a key role in the comparison of US regulations with regulations from other countries, and advising customers thereof. We're just hoping that the lure of Belgian chocolates continues to outweigh the weather...



## South America

### Argentina

- Buenos Aires: Deadline for applying for an authorization for the generation and management of hazardous waste extended - 29-Mar-06 [11448]
- Buenos Aires: Extended deadline for remediations of installations generating electromagnetic fields exceeding frequencies of 300 KHz. - 18-Apr-06 [11713]
- Research, training and information disclosure program on occupational risks amended - 26-Apr-06 [11700]
- Resolution 140/2006 which extends the deadline for the use of vehicles older than ten years for the transport of hazardous substances - 15-Mar-06 [11398]
- Resolution 244/2006 on non-compulsory details of the Insurers of risk at work adopted - 17-Mar-06 [11395]
- Resolution on operation of radiation sources for industrial applications adopted - 31-Mar-06 [11668]
- Temporary prohibition to export copper and aluminum waste and their alloys and further registration requirements regulated - 29-Mar-06 [11393]

### Colombia

- Air quality standards, prevention and protection measures amended - 3-Apr-06 [11698]
- Prevention and protection measures to avoid employee harassment at the workplace further regulated - 15-Mar-06 [10962]

### Peru

- ILO Convention 178 on labor inspection for maritime workers ratified - 20-Apr-06 [6662]

### Chile

- Law on protection of the ozone layer published - 4-Feb-06 [9444]

### Ecuador

- Law amending the Labor Code concerning medical surveillance of young workers - 14-Mar-06 [11481]
- Law amending the Labor Code concerning medical surveillance of young workers older than fifteen years of age - 12-Apr-06 [11587]

### Brazil

- Conama Resolution on environmental compensation adopted - 5-Apr-06 [11405]
- CONAMA Resolution on exceptional interventions in protected areas adopted - 28-Mar-06 [11407]
- Legislation on Federal Technical Register for Potentially Polluting Activities amended - 30-Mar-06 [11546]
- Regulatory Norm NR-18 on Safety and Health in Construction Industry amended - 10-Apr-06 [11551]

### Mexico

- Regulation on the registry and authorization for import and export of pesticides and hazardous goods and the corresponding formats - 28-Mar-06 [8133]
- Standard on the installation and use of electrical equipment published - 13-Mar-06 [3152]

### Venezuela

- Decree 4335/2006 on consumption, production, import-export and use of ozone depleting substances - 7-Mar-06 [11335]
- Import of mineral oils and other hydrocarbon related products regulated - 3-Apr-06 [11597]
- Phytosanitary certification and control measures of wood packaging for international trade regulated - 29-Mar-06 [9146]

Do you want to be fully informed on changing EHS Regulations and how they impact your business?

- This Enhesa Flash highlights some of the regulatory EHS developments that occurred in March and April 2006. For more details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development impacting industry in general and the possibility to obtain further relevant details. The Enhesa Update is available for 1000 EUR per year.
- If you want to ensure that you get all the information you need, the Enhesa regulatory monitoring service could be the perfect solution for you. This service provides you with a summary of all relevant and applicable regulatory EHS developments (policy, law, regulation, proposal, etc.) of interest to your operations and/or products and for the countries you specify.
- For each development, a tailored business impact analysis is made for your company's operations. In most cases, a link to the full text of the Regulation is provided, either on the Internet or in the Enhesa Knowledgebase of more than 16000 texts.
- The report is accompanied by a compliance calendar, a list of legislation with hyperlinks to the full text and an overview of interesting websites. These reports are delivered through a dedicated website tailored to your needs and connected to your Intranet.
- Contact us at [info@enhesa.com](mailto:info@enhesa.com) to visit our demo site.

## Global Review of Site Contamination Regulations



(Continued from page 1)

the globe asked Enhesa in May 2006. For 25 countries, Enhesa identified and analyzed the existing soil protection regulations. The result is quite surprising.

Compared to previous similar surveys carried out by Enhesa, it is clear that more and more countries are regulating soil contamination as a specific concern. Half of the countries analyzed already have regulations that explicitly deal with soil contamination. Some are in the process of preparing regulations but the fact that there are no explicit regulatory provisions does not mean that the issue is not regulated. Most of these countries deal with it under the general environmental pollution laws and regulations. Some countries will consider a leaking pipeline or storage tank to be illegal waste disposal, and use the waste regulations to order clean-up and prosecute the polluter.

When looking in further detail at the soil regulations, it is hard to find two countries that regulate it in the same way. Most of the regulations empower the authorities to take appropriate measures to investigate the contamination as well as to order or carry out remediation and recover the costs from the polluters.

In some countries, a clear distinction is made between "historic" soil contamination and contamination that has arisen after a given cut-off date. This is the case amongst others in Belgium, Germany, Finland and Sweden. The dates vary from 30 June 1969 to 1 March 2000. The distinction is important in terms of liability as well as in terms of remediation obligations.

What is to be considered a contaminated site is also very different. Some countries use numerical list of thresholds to identify the contamination, whereas others only focus on the sites where there have been major spills or illegal waste storage. In some countries the regulations are mainly focused on abandoned sites.

What systems do the authorities use to get to know about site contamination? Many countries have no systems in place and deal with the problems as they occur.

Some countries require site investigations prior to property transfer of industrial sites. Others target particular industrial operations in order to investigate these sites. This usually involves a long-term plan.

What you have to do once you suspect soil contamination is also very different from one country to the other. In some countries, you will need to notify the authorities immediately and contract a registered company to carry out a site investigation. Sometimes the registered company is even obliged to submit the investigation report directly to the authorities, who will use it to assess the situation and order the clean-up measures to be carried out by you and at your expense. In other countries, you will need to propose a remediation plan and seek the approval of the competent authorities before being authorized to proceed. If these are the most regulated cases, in many countries you will still be allowed to investigate the contamination and to carry out the remediation as you see fit, provided the contamination does not impact neighboring properties.

Many countries have introduced obligations to inform the property buyer of any suspected site contamination. Some countries maintain a public listing of contaminated sites, and sometimes even make a site investigation mandatory before a property transfer can take place. In these countries soil remediation needs to be agreed to, before the property transfer can take place.

To what extent do you need to remediate a site and how fast do you need to do this? All countries seem to have moved to a risk-based approach and deal with it on a case-by-case basis.

Who is ultimately being held liable is very different. In most cases the polluter is the first one in line, but he is often joined by the owner. It is clear that buying property can involve high risks, and carrying out appropriate due diligence is necessary to avoid major liabilities. Protection of the innocent owner is foreseen in some countries, but often subject to many requirements.

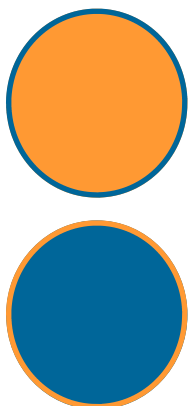
- Thierry Dumortier

### Before you buy... due diligence

How can you be sure that you not only avoid unforeseen environmental liabilities with your new acquisition, but that your new business is a sound and sustainable investment in terms of all EHS issues?

ENHESA calls on a wide variety of legal and regulatory expertise to facilitate the full range of on-site and desk studies necessary to identify potential environmental liabilities associated with acquisition, leasing and/or divestiture of properties. Contact us for more information at [info@enhesa.com](mailto:info@enhesa.com).

## Upcoming Events and Presentations:



### Chemical Industry Crossroads Conference, Montréal (Canada) - October 2006

The "Innovation Solutions for a Better World" petrochemical conference will have a focus on international investment attraction.

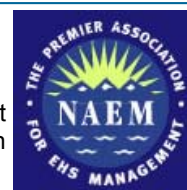
Paul Beatley, Enhesa Director, will be delivering a presentation on REACH implementation at the Chemicals Industry Crossroads Conference in Montréal, Canada, between 11 and 13 October 2006.

### Auditing Roundtable Meeting, Baltimore, Maryland (United States) - September 2006



Enhesa will be chairing a session at the **Auditing Roundtable Meeting - Fall Meeting & Technology Exposition** which will take place from 6 to 8 September 2006 in Baltimore, Maryland. The Auditing Roundtable Session will focus on International Regulatory & Policy Updates and Enhesa's director, Paul Beatley, will be presenting the following topic: "Product-Related Environmental Regulations on Electrical and Electronic Equipment in China, Japan and Korea utilizing electronics products as a case study". Further information on the meeting is available at the Auditing Roundtable website (<http://www.auditing-roundtable.org/>)

### NAEM Annual Forum, Savannah, Georgia (United States) - October 2006



Enhesa will be represented by its environmental EHS Managers at the **NAEM EHS Management Forum** which will take place between 25 and 27 October 2006 in Savannah, Georgia.

For further information, please visit the NAEM website on <http://www.naem.org/>.

### CARE Innovation, Vienna (Austria) - November 2006

About 400 experts from all over the world are expected to join in for the conference & exhibition on Electronics and the Environment "From WEEE/RoHS Implementation to Future Sustainable Electronics" which will take place in Vienna (Austria) from 13 to 16 November 2006. Further information is available on <http://www.care-electronics.net/ci06/>.

### Pollutec, Lyon (France) - November 2006



Enhesa will be exhibiting at the **22nd Pollutec international exhibition on environmental equipment, technologies and risks** from 28 November to 1 December in Lyon, France.

Further information on the international exhibition is available at <http://www.pollutec.com>

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