

# enhesa flash

global ehs compliance assurance

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Brussels • Washington • Tokyo • Florence

Besides briefing you on recent Enhesa projects and Enhesa services on a regular basis, the Enhesa Flash is aimed at alerting you for new EHS Regulatory developments of interest to industry as they occur in over 50 countries 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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## European Pollutant Emission Register Published

- The 23rd of February 2004 saw the launch of the European Pollutant Emission Register (EPER). The emission data of the largest 9342 industrial facilities in Europe are now public. The data collected are ready to be used by non-governmental environmentalist organizations and by government agencies to "name and shame" companies.
- Such data are collected for the express purpose of making it publicly available, in order to harness public opinion in pressuring firms to improve their performance. Widespread sharing of information is also improving coordination among national and regional permitting and enforcement authorities.
- The USA was the first country to require such emission reporting with the Toxic Release Inventory (TRI) back in the mid 1980s. The number of countries that have implemented or are implementing PRTRs continues to grow. Nine Accession States due to enter the EU in June 2004 will soon also be added to the EPER.
- The EPER tracks releases of 50 pollutants by means of triennial reports, which are fed into the EPER database maintained by the European Environment Agency, and publicly accessible at [www.eper.cec.eu.int](http://www.eper.cec.eu.int). The EPER database allows any user to search for data on company name, particular pollutants, by industrial sector, geographical area or country, right down to facility

level detail. Satellite images showing the facility and the surrounding areas are also available.

- As 2001 was the first reporting year, this is the only data currently available, but the database will expand in the coming years as the second set of data covering 2004 becomes available in 2006.
- For example, a search through the EPER reveals that the total amount of organic carbon reported as released directly to European waters by the pharmaceutical industry in 2001 amounts to 5,700,700kg. Of this, the highest contributor in the EU is Smithkline Beecham plc. in the UK, which contributed 3,140,000kg.
- As for non-methane volatile organic compounds released to air in 2001, 11,366,000 was reported for 2001 for the industry as a whole, of which Adisseo France S.A.S accounts for the largest contribution of 2,260,000.
- Does your company appear in the database? How do your emissions compare to those of your neighbours and competitors? Those are some of the issues companies will have to review in order to determine their vulnerability and the need to take proactive measures. This is one of the issues which Enhesa's Strategic Management Support helps to address.

Thierry DUMORTIER

## The Chrysanthemum and the Sword

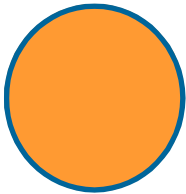
- Japan, the second-largest industrialised and free market economy in the world, is rapidly ramping up its EHS requirements. These changes will have important implications for domestic and foreign companies operating in Japan. During 2003 Enhesa identified and analysed some EHS regulatory developments that impact industry in general (see [www.ehstrends.com](http://www.ehstrends.com)). The Regulatory Register for industrial facilities contains some of the following regulatory examples applicable in Japan:
  - 1 December 2003: Disposal capacity of the consignee for the collection, transport or disposal of waste should be checked by the industrial facility (廃棄物の処理及び清掃に関する法律施行令の一部を改正する政令);

- 1 April 2004: Reporting on manufactured or imported quantities of chemical substances having ecotoxicity (化学物質の審査及び製造等の規制に関する法律);

- 30 June 2004: Data on manufactured or imported chemical substances should be submitted to the Ministry of Environment, the Ministry of Economy, Trade and Industry or the Ministry of Health, Labor and Welfare (化学物質の審査及び製造等の規制に関する第二条第四項規定に基づき指定化学物質の名称の告示);

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During the fourth quarter of 2003, several new environmental, health and safety Regulations were adopted that could directly impact your business. The following overview provides you per country a descriptive title for the regulatory developments, the formal adoption date and the ID number of the abstract in the Update.

## Asia Pacific

### Australia

- New guidance material concerning pollutant inventory released - [6336]
- NSW: Environmental Planning and Assessment Amendment (Development Consents) Act 2003 No 60 - 06-Nov-2003 [6494]
- Victoria: Workplace Classification 2004 (splitting in regards to insurance premiums) - 04-Jul-2002 [6410]
- Victoria: Order prohibiting the removal of certain asbestos at workplaces - 17-Dec-2003 [6508]
- Victoria: Child Employment Bill 2003 - 01-Nov-2003 [6403]
- NSW: Radiation Control Regulations adopted 2003 - 01-Sep-2003 [6399]

### Japan

- Rules on the consignment of the collection, transport and disposal of waste detailed - 28-Nov-2003 [2240]
- Ban on the manufacture, import, transfer, supply or use of asbestos and products containing asbestos specified - 16-Oct-2003 [6305]
- Cabinet Order of the amended Law concerning the Examination and Control of Manufacture of Chemical Substances - [5715]
- Electric freezers required to be recycled - 26-Dec-2003 [1703]
- Updated list of designated chemicals released - 29-Sep-2003 [6308]
- Information on the storage and use of PCB disclosed - 22-Jun-2001 [6307]

### Thailand

- No new development adopted this quarter

### Philippines

- Chemical control Order on asbestos clarified - 12-Jul-2003 [2609]

### Indonesia

- Circular regarding Registration on Food Facilities and Prior Notice of Imported Food in The Bioterrorism Act is Released - 30-Oct-2003 [6412]
- Minister of Trade and Industry Adopted Decree on Import Restrictions for Nitro Cellulose - 17-Jun-2003 [6413]
- Ministry of Environment Adopted Decree No. 141 of 2003 regarding Air Emission Thresholds for New Type and Current Production Vehicles - 23-Sep-2003 [6320]
- House of Representatives Adopted Act on Conflict Dispute Resolution in Industrial Relationship - 16-Dec-2003 [6518]

### China

- Measures for the Recognition of Work-Related Injuries adopted - 23-Sep-2003 [6297]
- Measures on the Administrative Penalty against Violations on the Requirements of Safe Production entered into force - 19-May-2003 [6265]
- Mercury sulfide added to the List of the Banned or Strictly Restricted Toxic Chemicals - 08-Oct-2003 [3068]
- Control over electronic and electrical waste specified - 26-Aug-2003 [6270]
- Regulation on the Administration of Medical Waste adopted - 16-Jun-2003 [6298]
- Regulation on Work-Related Injury Insurance to be enforced - 27-Apr-2003 [6299]
- Measures on the Management of Medical Waste at Medical Institutions adopted - 15-Oct-2003 [6359]
- Regulation on the Management of Work Safety of Construction Projects adopted - 11-Nov-2003 [6478]
- Circular on the Approval of the Import of Restricted Waste issued - 07-Jul-2003 [6363]
- Circular on the verification of the collection of sewage charges issued - 26-Nov-2003 [6477]

### Hong Kong

- Mandatory safety training required for gas welding, flame cutting operations - 12-Dec-2003 [6440]
- Approved Equipment for Recovering and Recycling Controlled Refrigerants - 12-Dec-2003 [6362]
- Import and export licensing scheme to be streamlined - 06-Nov-2003 [5956]
- Import quota for ozone layer depleting substances reduced - 11-Sep-2003 [6469]
- All contractors and sub-contractors to be liable for safety control on construction sites - 26-Nov-2003 [5957]
- License scheme for the import and export of ozone depleting substances to be simplified - 06-Nov-2003 [6321]

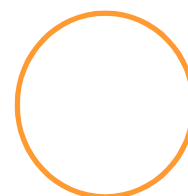
### South Korea

- Updated list of chemical substances which are not toxic - 19-Nov-2003 [5640]
- Special Act on the Improvement of Air Quality in the Capital Area adopted - 31-Dec-2003 [5613]
- Updated list of toxic chemical or observational chemical substances - 14-Oct-2003 [6180]
- Updated list of toxic chemical or observational chemical substances - 19-Dec-2003 [2278]

### Singapore

- Building Control Regulations 2003 adopted - 29-Dec-2003 [6457]

For more details on any of these developments, you can subscribe to the Update (1000 EUR/year) or register to receive detailed monitoring reports. For further information visit [http://www.enhesa.com/EN\\_version/newsletter.htm](http://www.enhesa.com/EN_version/newsletter.htm)



## Taiwan

- Second group of stationary pollution sources required to report emissions - 29-Oct-2003 [1609]
- Labor Inspection Directive of 2004 released - 22-Aug-2003 [1608]
- Effluent Standards revised - 26-Nov-2003 [1600]

## India

- Bio-Medical Waste (Management and Handling) Rules amended - 17-Sep-2003 [6327]
- The Water (Prevention and Control of Pollution) Cess Act amended - 17-Mar-2003 [6463]

## Malaysia

- No new development adopted this quarter

# South America

## Argentina

- Adopted new register on polychlorinated biphenyls (PCBs) - 29-Dec-2003 [6228]
- Resolution on the National Register for the Prevention of Major Accidents adopted - 21-Nov-2003 [6501]
- Annual Health and Safety Week of Argentina - 27-Nov-2003 [6492]
- Buenos Aires: Annual wastewater effluent reporting deadline adopted - 28-Oct-2003 [6365]
- Resolution adopted concerning the list of controlled ozone depleting substances - 09-Dec-2003 [6496]
- Ergonomics and other occupational health and safety requirements adopted concerning exposure to radiation, chemicals, noise and temperature - 09-Nov-2003 [6368]
- New occupational illnesses identified by the Occupational Risk Authority - 01-Dec-2003 [6489]
- Adopted serviceable life extensions of vehicles used to transport hazardous substances - 23-Dec-2003 [6163]

## Brazil

- No new development adopted this quarter

## Puerto Rico

- Adopted Regulation on Transport of Loads - 19-Aug-2003 [6285]

## Venezuela

- Civil Responsibility for International Transport of Hazardous Goods by Road amended - 20-Oct-2003 [6295]

## Chile

- Amendment to labor code concerning weekly holidays for workers - 12-Dec-2003 [6481]
- Modifications to regulation on domestic water and sewerage installations - 21-Jul-2003 [6375]

## Peru

- National Vehicle Regulation adopted - 07-Oct-2003 [6283]
- Decree amending the regulation for safe storage of hydrocarbons - 06-Nov-2003 [6382]
- Regulation for national standards on environmental noise - 24-Oct-2003 [6380]
- Resolution approving technical norm on extinguishers - 23-Oct-2003 [6385]
- Law on labeling obligation for industrial manufactured products commercialized in Peru - 20-Nov-2003 [6391]
- Regulation for the Law on use of ionizing radiation sources - 11-Dec-2003 [6480]
- Consolidated law on labor rights - 30-Sep-2003 [6282]

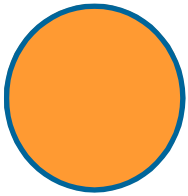
## Colombia

- Wastewater discharge tax amended - 30-Oct-2003 [6358]
- Decree establishes a Commission to enhance energy efficiency - 19-Dec-2003 [6509]
- Decree concerning the affiliation of contractors to the General Occupational Risk Insurance System adopted - 29-Sep-2003 [6304]

## Costa Rica

- Decree creating the national directive committee for prevention and elimination of child labor and protection of young workers - 09-Sep-2003 [6377]
- Amendment to regulation on emission of atmospheric pollutants from boilers - 12-Mar-2003 [6484]
- Amendment of the national regulation for construction, concerning illumination and ventilation requirements - 14-Nov-2003 [6378]
- Regulation on systems for waste water treatment - 09-Oct-2003 [6483]
- Decree creating the commission for research on waste comprehensive management - 16-Oct-2003 [6376]

Are all your facilities in compliance with these EHS regulatory requirements? Enhesa-EPC develops ScoreCards, Checklists and Audit Protocols that can be used by facility and corporate management to identify weaknesses and ensure compliance. Please contact Enhesa for further details.



Enhesa will be participating in the GLOBE 2004 conference on International Environmental Regulatory Management in Vancouver, Canada, between the 31 March and the 3 April.

## North America

### Canada

- Off-Road Small Spark-Ignition Engine Emission Regulations adopted - 06-Nov-2003 [5750]
- Ontario: Moratorium on new or expanded water-taking permits - 18-Dec-2003 [6444]
- Proposal to add 2-methoxyethanol and 2-butoxyethanol to list of toxic substances - 23-Oct-2003 [6353]
- Criminal Code amended to establish criminal liability for organizations - 27-Oct-2003 [6354]
- Canadian Environmental Assessment Act reviewed - 11-Jun-2003 [3812]
- Adopted Federal Halocarbon Regulations, 2003 - 13-Aug-2003 [5555]

### United States

- No new developments adopted this quarter

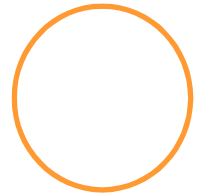
### Mexico

- Norm on compatibility criteria for the storage and transport of explosive hazardous substances, materials and waste - 19-Dec-2003 [5879]
- Agreement modifying classification and codification of imported goods regulated by environmental authorities - 18-Dec-2003 [6455]
- Norm on safety requirements for water boilers using liquefied petroleum or natural gas - 31-Oct-2003 [5433]
- Norm establishing conditions for the transport of limited quantities of dangerous substances and materials - 19-Nov-2003 [5745]
- Amendment to marking of packaging for the transport of dangerous substances and waste adopted - 07-Apr-2003 [5611]
- Norm identifying the list of the most frequently transported dangerous substances and materials - 02-Oct-2003 [5675]
- New procedures for re-export of hazardous waste outside Mexico adopted within the maquiladora program - 04-Sep-1998 [1700]
- Norm on compatibility and segregation for the storage and transport of hazardous substances, materials and waste - 19-Nov-2003 [5872]
- Law on waste management and soil contamination approved - 28-Apr-2003 [5209]
- Norm on minimum safety requirements for natural gas installations - 04-Nov-2003 [4827]
- Alternative procedures to fulfill safety conditions on pressure vessels and boilers - 29-Oct-2003 [6371]
- Simplified procedure for verification of product commercial information, applicable to companies located in the border region - 20-Oct-2003 [6372]
- Norm on control exemption criteria for ionizing radiation sources and applications - 17-Nov-2003 [5741]
- Norm on health and safety conditions for work in mines - 28-Jul-2003 [6289]
- Emergency norm on safety requirements for trailer trucks - 10-Dec-2003 [6454]
- Norm on ionising radiation exposure control - 15-Dec-2003 [6453]

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

- This Round-up highlights some of the regulatory EHS developments that occurred in the fourth quarter of 2003. For details, you could consult the Enhesa Update which provides you with a one paragraph abstract for each development 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 regulatory EHS developments for each new development (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 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 to visit our demo site.

## Africa (limited to Egypt and South Africa)



### Egypt

- Decree on the conditions of employment of young workers - 19-Jul-2003 [6490]
- Decree on occupational accidents reporting - 24-Jul-2003 [6491]
- Decree on occupational health and safety services and training - 02-Aug-2003 [6493]
- Decree on occupational health and occupational exposure - 05-Oct-2003 [6499]
- Decree on the disposal of sewage sludge - 10-Sep-2003 [6488]
- Decree regulating minimum social and cultural requirements in facilities - 05-Oct-2003

### South Africa

- No new development adopted this quarter

## European Union

- EU Commission approves a three month extension of the ban on toys containing phthalates - 19-Nov-2003 [2116]
- Regulation on Ozone-Depleting Substances amended - 29-Jun-200 [1987]
- Regulation on second phase of systematic examination of active substances in biocidal products - 04-Nov-2003 [6338]
- Amendment to Seveso II Directive adopted - 16-Dec-2003 [286]
- Amendment to Directive on waste electrical and electronic equipment (WEEE) adopted - 08-Dec-2003 [1320]
- Adopted a Directive on the deliberate release of genetically modified organisms - 12-Mar-2001 [6445]
- Adopted Regulation EC/1946/2003 on transboundary movements of genetically modified organisms - 15-Jul-2003 [6452]
- Directive on control of high activity sealed radioactive sources adopted - 22-Dec-2003 [5148]
- Regulation on waste shipments to certain non-OECD countries amended - 02-Dec-2003 [1760]

The Enhesa team went bowling and had great fun!

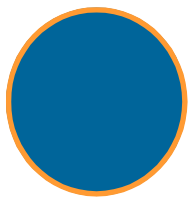


From left to right we are:

1) Fabio 2) Jøran 3) Cécile  
4) Thierry 5) David  
6) Domitille 7) Paul  
8) Susana 9) Uli  
10) Man-Hung 11) Alex  
12) Rachmat 13) Eli  
14) Nina 15) Louise  
16) Tokue 17) Kaska  
18) Sabine 19) Young

Not on the picture but  
also part of the team are:  
Victoria, Enrique, Neil and  
Tjeerd.

# Western Europe



## New Audit Protocols for 2004

Enhesa is continually expanding the geographic coverage for its Audit Protocols. New countries added in 2004 include:

- Argentina
- Colombia
- Turkey
- Finland
- South Africa
- Switzerland
- Greece
- Indonesia
- Pakistan

This will bring the total number of countries for which audit protocols are available to 35. Further details can be found at [http://www.enhesa.com/EN\\_Version/Audit.htm](http://www.enhesa.com/EN_Version/Audit.htm)

### Denmark

- Amendments of the Regulations on waste adopted (regarding POPs) - 29-Sep-2003 [6306]
- Regulations on certain persistent organic pollutants (POPs) amended - 29-Sep-2003 [6310]

### Belgium

- Wallonia: Orders on decontamination of asbestos - 17-Jul-2003 [6516]
- Act on eco-taxes and benefits amended - 22-Dec-2003 [667]
- Wallonia: Order on integrated conditions for storage tanks for flammable liquids - 17-Jul-2003 [6468]
- Wallonia: Amendment to the Decree on Protection of Surface Water and the Decree on Waste Water Tax - 22-Oct-2003 [6466]

### Austria

- Ordinance on the Prohibition of Chemicals adopted - 14-Oct-2003 [5429]
- Ordinance on proof of waste disposal adopted - 30-Dec-2003 [5827]
- Ordinance on the Waste Catalogue adopted - 23-Dec-2004 [1633]

### Norway

- Proposed amendments to the Regulations relating to restrictions on the use of certain dangerous chemicals - 01-Jan-2003 [6190]
- Regulations changing terminology in several Regulations connected to hazardous waste adopted - 22-Sep-2003 [6393]
- Regulations on biocides and biocidal products adopted - 18-Dec-2003 [6395]

### Portugal

- Decree-Law on health and safety for work in explosive atmospheres adopted - 30-Sep-2003 [6312]
- Legislation on health and safety at temporary or mobile construction sites amended - 29-Oct-2003 [6314]
- Decree Law on ozone in ambient air adopted - 20-Dec-2003 [6521]
- Ordinance on the use of petroleum coke as fuel in combustion installations adopted - 22-Dec-2003 [6522]

### Finland

- Adopted Decree on the approval of construction products - 18-Dec-2003 [6458]
- Decree on the fire precautions for industrial-sized air ventilators - 18-Jun-2003 [6300]
- Decree on precautionary measures in explosive atmospheres - 18-Jun-2003 [6287]

### Spain

- Restrictions to the marketing and use of arsenic and azocolorants in textiles and leather goods adopted - 25-Mar-2003 [5923]
- Law on noise assessment and management adopted - 17-Nov-2003 [5871]
- Adopted ICAO's Technical Instructions Edition 2003-2004 on the Safe Transport of Dangerous Goods by Air - 27-Nov-2003 [4799]
- Occupational risk prevention law modified - 12-Dec-2003 [6039]
- New Guideline on civil protection adopted concerning major accidents involving hazardous substances - 19-Sep-2003 [6272]

### France

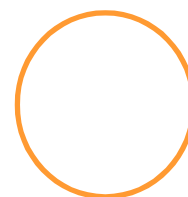
- Decree on chemical exposure at work adopted - 23-Dec-2003 [5449]
- Decree on air quality monitoring modified - 15-Feb-2002 [4936]
- Decree on transportable pressure equipment - 22-Dec-2003 [6462]
- Reinforcement of lifts safety - 02-Jul-2003 [6052]
- Decree on restrictions for marketing and use of short-chain chlorinated paraffins and organostanic compounds adopted - 08-Sep-2003 [6333]
- Annexes to the Order on restrictions on use and marketing of dangerous substances (CMT) modified - 19-Apr-2001 [1336]

### Netherlands

- Adopted subsidy Decision on collaboration in the field of environmental management - 20-Nov-2003 [6485]
- Adopted Act introducing right to a smoke-free workplace - 01-Jan-2004 [6472]
- Adopted Indicative Rule on the Random Writing-Off of Environmental Investments 2004 - 10-Dec-2003 [1102]
- Amended Working Conditions Rule in relation to fiscal incentives for investments in good working conditions - 12-Dec-2003 [1303]
- Extended validity of Directive on environmental dispute settlement with administrative fines - 11-Dec-2003 [1753]
- Adopted Rule on fiscal incentives for environmental investments - 10-Dec-2003 [4086]

### Germany

- Ordinance on Fees on Transboundary Waste Shipments adopted - [6397]
- Accident Prevention Rule "Principles of Accident Prevention" adopted - 27-Nov-2003 [6448]



## Ireland

- Adopted legislation extending fire rules to all workplaces - 10-Jul-2003 [6369]
- Adopted Regulations on Cableway Installations Designed to Carry Persons - 03-Oct-2003 [6302]
- Adopted Regulations on the marketing and use of dangerous substances and preparations - 24-Oct-2003 [2821]
- Adopted Regulations prohibiting smoking at the workplace - 16-Oct-2003 [5688]

## United Kingdom

- Adopted the Water Act 2003 - 20-Nov-2003 [4110]
- Adopted the Waste and Emissions Trading Act 2003 - 17-Nov-2003 [4097]
- Building Regulations amended - 17-Oct-2003 [3975]
- Adopted a prohibition on the use of mobile phones while driving - 20-Oct-2003 [6364]
- Adopted Sustainable Energy Act 2003 - 30-Oct-2003 [5687]
- Adopted End-of-Life Vehicles Regulations - 10-Oct-2003 [4634]
- Adopted The Greenhouse Gas Emissions Trading Scheme Regulations - [6318]
- Regulation: U.S. EPA Releases Final Rule That Exempts Process Tanks From Emissions Limits for Storage Tanks - 15-Oct-2003 [6324]

## Italy

- Adopted new regulation on the management and disposal of medical waste - 15-Jul-2003 [3613]
- New requirements regulating occupational safety and health for temporary workers and contractors. - 10-Sep-2003 [6430]
- Further amendments to D.L.gs 626/94 introducing new minimum safety requirements for dangerous explosive atmospheres. - 12-Jun-2003 [6436]
- Adopted Decrees establishing new threshold limit values for non-professional exposure to electromagnetic emissions implementing Law 36/2001 - 08-Jul-2003 [2624]
- Adopted framework Act on implementation of Community Law for the year 2003 - 31-Oct-2003 [6449]
- New requirements adopted for the installation and operation of electronic communication infrastructures - 01-Oct-2003 [5397]

## Switzerland

- Ordinance on water protection amended - 22-Oct-2003 [2246]
- Amendment to Environmental Protection Act - incentive tax on petrol and diesel oil - 20-Jun-2003 [259]

## Sweden

- Changes to the Environmental Code proposed to comply with the water Directive - 01-Jun-1998 [1898]

*Enhesa will be participating in the Marcus Evans conference on EH&S Management Implementation in Amsterdam, on the 9th and 10th of March. We hope to meet you there!*

## Eastern Europe

### Poland

- Allowable levels of electromagnetic fields in the environment adopted - 30-Oct-2003 [6384]
- Ordinance on use and disposal of asbestos adopted - 23-Oct-2003 [6366]
- Ordinance on restrictions on export of chemicals adopted - 15-Oct-2003 [6387]
- Ordinance on labelling of chemicals adopted - 02-Sep-2003 [6293]

### Russia

- Rules on calculation and payment of mandatory social insurance against occupational accidents and illnesses amended - 11-Dec-2003 [6443]

### Hungary

- Government Decree on activities relating to hazardous waste - 15-Jun-2001 [4689]
- Government Decree on regional waste plans - 07-Nov-2003 [6525]
- Government Decree on individual waste water treatment - 28-Oct-2003 [6523]
- Decree on waste information and reporting - 18-Oct-2003 [6524]

### Czech Republic

- Decree relating the classification of work into categories, and on chemical and biological exposure limit values - 04-Dec-2003 [6504]
- Adoption of the Ordinance on the integrated pollution register - 01-Oct-2003 [6437]
- Act on chemical substances and chemical preparations - 23-Sep-2003 [6329]

## Focus on Poland

Significant changes in environmental, health and safety legislation are due on 1 May 2004 when Poland joins the European Union.

Since 1994 when the accession agreement was reached, Poland has transposed and fully or partially implemented the *acquis communautaire* of the European Union. There are only a few areas where transitional arrangements mean the deadline for implementation of the legislation has been postponed.

### Environmental Emissions

- With respect to air emissions, operators of certain installations for storage and distribution of petroleum have until 31 December 2005 to comply with volatile organic compounds emissions, and until 31 December 2006 to comply with the sulphur content of liquid fuels.

### Waste and Packaging

- Concerning waste management, operators of municipal waste landfills obtained a derogation period until 1 July 2012 to fulfill the obligations of Directive 1999/31/EC.
- By the end of 2007 packaging producers will have to comply with recycling levels imposed by Directive 94/62/EC. Transitional arrangements for integrated pollution prevention and control (IPPC) give the operators of existing installations subject until October 2007 to comply with them.
- Recyclable packaging currently has to be marked with the 'green arrow' pursuant to the Ordinance on packaging labelling – the mark which differs from the 'chasing arrows' logo required by EU legislation. The requirement will become voluntary on 1 May 2004 as stipulated by the Act amending Act on Packaging and Waste Packaging of 18 December 2003.

### Occupational Health and Safety

- Regarding health and safety at work, workplaces and the use of the work equipment will have to be in compliance with the Framework Directive by the end of 2005.
- Poland still has a few areas to finalise in order to be in line with *acquis communautaire* by the day of accession. Outstanding issues which require harmonisation with EU law include workplace exposure to noise, carcinogens and chemical agents.

### Foreign investors

- The procedure for permission for purchase land and property by foreign investors will change once Poland joins the EU. A long and cumbersome procedure of assessing each application by the Ministry of Internal Affairs and Administration will be simplified and shortened.

### Coming into force

- On 1 May 2004 several regulations adopted in 2003 will come into force, imposing the following requirements:
  - prior to commissioning of a facility, notification of construction inspection is required (Dz.U.2003, No 80, item 718)
  - reference methods of air emission measurements are specified (Dz.U.2003, No 110, item 1057)
  - equipment and protective systems must comply with requirements for design and construction in order to ensure safe and reliable functioning and operation with respect to the risk of explosion, and must bear the CE-mark and be accompanied by the certificate of conformity (Dz.U. 2003, No 143, item. 1393)
  - personal protective equipment must be in compliance with requirements for certification and the CE marking (Dz.U.2003, No 80, item 725)
  - basic requirements for the design, construction and placing on the market of lifts must be complied with (Dz.U. 2003, No 117, item 1107)
  - machinery placed on the market has to meet basic safety requirements (Dz.U. 2003, No 91, item 858):
  - outdoor equipment must comply with stage I noise emission limits, and equipment placed on the market must bear the CE mark and be accompanied by a certificate of conformance (Dz.U.2003, No 138, item 1316):
  - basic requirements for pressure equipment and pressure equipment units are specified, detailing requirements for design, manufacturing, marking and operation of pressure vessels. (Dz.U. 2003, No 99, item 912)

Katarzyna Charzyńska,  
our specialist consultant  
for Poland is available on  
+32 2 775 97 97 to  
help with further  
information.

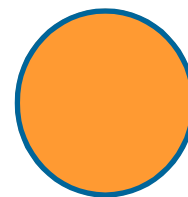


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# The Chrysanthemum and the Sword

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- 1 October 2004: Ban on the manufacture, import, transfer, supply or use of asbestos and products containing asbestos (労働安全衛生法施行令の一部を改正する政令, 政令第四百五十七号);
- 15 January 2006: Reported waste containing PCBs should be disposed of (ポリ塩化ビフェニル廃棄物の適正な処理の推進に関する特別措置法).
- As an advanced economy, Japan (and Japanese industries) is also under pressure from the international community to bear its share of responsibility for the world, which imposes obligations above and beyond these domestic regulatory requirements. For instance, Japan has a commitment to reduce its greenhouse gas emissions to 6% below 1990 levels, which may require industrial facilities to either comply with energy efficiency standards or to bear the cost of raised energy taxes.
- At the same time, Japan and its industries (including outward foreign direct investors) do care about the EU's REACH regulation, the UK Government's transposition of the WEEE and ROHS Directives, the Dutch ban on flame retardant (FR720) and EU energy efficiency requirements for end-use equipment, to name a few. Therefore, Japan is going to ban the use of lead in solder for electronic equipment, and Japanese industries are requesting data to confirm the non-use of hazardous substances from their suppliers.
- For international operators, global standards compliance would be the key for entry into the Japanese market.
- The Japanese e-government website provides a comprehensive legal database at: <http://law.e-gov.go.jp>. Concerning health and safety information, the most complete official sites are the Japan International Center for Occupational Safety and Health (<http://www.jicosh.gr.jp>) and the Japan Advance Information Center of Safety and Health (<http://www.jaish.gr.jp>).



## Enhesa can provide you with...



### Japan Audit Protocols

- The EHS Audit Protocols provide a tool to systematically review and analyse compliance with EHS regulatory requirements. Each Audit Protocol is composed of 10 thematic modules, each with an introduction providing an overview of the applicable legislation, key compliance definitions, abbreviations used and items to consider getting in advance or have the facility prepare. The Rulebook details the regulatory compliance questions and for each question there is a note to guide the auditor. The Audit Protocol also includes a Country Introduction and the list of EHS legislation with hyperlinks to the full text where available.
- Audit protocols are complemented by Scorecards, which help to keep track of issues to be addressed during an audit. They provide a simple scoring and reporting mechanism to summarise the main findings and performance of the facility.
- In addition to the above, other services include a monthly compliance calendar of pending regulatory deadlines outlining what needs to be done to comply with the regulations, as well as where to find more details if required. Lists of EHS legislation per country provide up-to-date, in-depth details of legislation, including links to full texts where they are available on-line.
- Web sites of interest to the customer are also provided, along with details of which sites are relevant to particular activities and countries.
- Finally, our Helpline is available to help with any regulatory or policy issue, such as providing copies of legislation or details of chemical handling requirements, to provide market intelligence, helping to identify potential liabilities or to review the permit of a waste operator.

### Japan Country Profiles

- The Country Profile of EHS Regulations provides a description of the competent authorities, the legal and administrative structures, the permits required, as well as a description of the key EHS regulations and how they affect the customer's activities.

### Japan Monitoring Reports

- Monitoring reports provide information on new developments in EHS regulations and policy. These monthly reports provide the customer with information on the latest EHS regulatory and policy developments impacting its operations and activities, and are issued in the third week of the month.

*DaeYoung Park, our specialist consultant for Japan is available on +32 2 775 97 97 to help with further information.*



## Focus on Poland

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- In some areas Poland has imposed more stringent requirements than EU legislation calls for. Ordinance on levels of electromagnetic fields in the environment, which has been in force since January 2004, specifies allowable levels of electromagnetic fields in areas for residential purposes and other areas accessible to people. The limit for residential areas is 1 kV/m, whereas limits for areas accessible to people vary depending on the frequency. The operators of electrical installations such as transformer stations, electrical lines above 110kV, radio-telecommunication installations, etc. are required to take measurements of electromagnetic fields immediately after commissioning the installation and after any changes that may influence the electromagnetic field emitted. Moreover, in accordance with the Act amending the Act on Environmental Protection, operators of facilities emitting electromagnetic fields will have to obtain a permit for emission of an electromagnetic field by 31 December 2005. Facilities which do not comply with the standards would have to be decommissioned or established as a 'restricted use area' in which only certain types of land use are permitted. The costs of changing the land use may be very high, particularly where the restricted use area falls in a residential area.

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