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I. European Commission favors lobbying by lawyers

Interest representation is a legitimate part of the democratic system. On the basis of the communication on the Follow-up to the Green Paper on the ‘European Transparency Initiative’, the Commission has committed itself to draft a Code of Conduct, which will accompany the public register for interest representatives to be launched in spring 2008.



This Code of Conduct will contain a set of basic rules, specifying how interest representatives should behave when representing their interests.

The definition of “interest representation” will exclude activities performed by independent members of professions providing legal advice, such as lawyers, insofar as such activities relate to the exercise of the fundamental right to a fair trial of a client, including the right of the defense in administrative proceedings.

Therefore lobbying by lawyers will be more and more effective and goals are more likely to be achieved with legal support. Alber & Geiger as a law firm exclusively specialized on lobbying and government relations will be at your side to assist you in reaching your goals within the EU.

II. Ambitious renewable energy targets call for action

A proposal for a new EU directive, published on 23 January, mandates each member state to increase its share of renewable energies - such as solar, wind or hydro - in an effort to boost the EU’s share from 8.5% today to 20% by 2020.

A separate target to increase biofuels use to 10% of transport fuel consumption is to be achieved by every country as part of the overall EU objective. To achieve these objectives, every nation in the 27-member bloc is required to increase its share of renewables by 5.5% from 2005 levels.

EU countries are free to decide their preferred ‘mix’ of renewables in order to take account of their different potentials, but must present national action plans outlining their strategies to the Commission. The plans will need to be defined along three sectors: electricity, heating and cooling and transport.

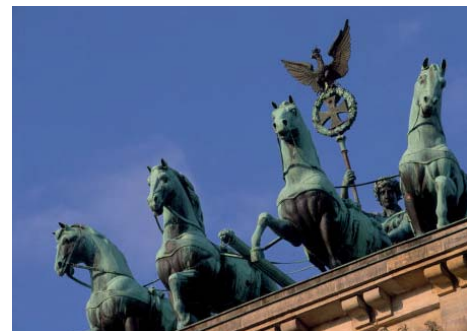
At this point tracks will be played for development of and investments in renewable energy sources.

This should be the time to take action and start convincing the nation’s governments and decision makers to promote the right source of renewable energy.

Stakeholders or interested parties should think ahead and start to participate in the process immediately.

III. “Non-energy Raw Materials Policy” – Public Consultation published

The growing global economy is putting significant pressure on the competitive situation of EU manufacturing industries and raises questions over costs and security of access to primary and secondary non-energy raw materials. The availability and efficient use of raw materials is a key factor for sustainable growth in industrialized, emerging and developing countries.



After different approaches related to energy raw materials, the European Commission has now published a public consultation on a future “Non-energy Raw Materials Policy” to gather information and opinions concerning this area. All kinds of non-energy raw materials are subject to the public consultation, including metallic ores, clays and aggregates needed to build infrastructure, such as roads, homes, schools and hospitals, but also to produce many of the industrial and consumer products essential in a modern economy, such as IT equipment, means of transport, and household appliances.

Sharp upward movements in prices which have posed competitiveness challenges to manufacturing industry generally have also raised longer term issues related to security of supply of raw materials.

Therefore, against the backdrop of unprecedented demand for raw materials due to the rapid and continuous high level of world demand, in particular from emerging economies such as China and India, it is time to raise the

question of how to improve sustainable access to raw materials from global as well as European sources. What specific challenges in the area of exploration, the permitting process, research and innovation, skills shortages, and health and safety performance of the extractive industry have to be met? The pressure on raw materials supply, together with the need for greater eco-efficiency, raises also the question of how to improve the efficient use of raw materials.

The competitiveness of your business requires a stable and steady flow of raw materials, without major disruptions in the supply chain. Are your interests noticed by the European Commission? Now it is also time to show your concerns about measures introduced by third countries that have the effect of limiting access to raw materials and prevent necessary transparency in the production and trade of raw materials.

The public consultation on a “Non-energy Raw Materials Policy” is of major importance for your future economic competitiveness and sustainable growth.

Stakeholders as well as foreign governments should get involved immediately.

IV. “Solvency II” to replace 14 existing EU insurance directives – Fourth Quantitative Impact Study launched

Since the current EU solvency system is older than 30 years and financial markets have developed dramatically in recent years, a large discrepancy between the reality of the insurance business today and its regulation has occurred. Therefore the European Commission has

proposed a ground-breaking revision of EU insurance law designed to improve consumer protection, modernize supervision, deepen market integration and increase the international competitiveness of European insurers. In the new system, ‘Solvency II’ insurers would be required to take account of all types of risk to which they are exposed and to manage those risks more effectively.

The new system is expected to introduce more sophisticated solvency requirements for insurers, in order to guarantee that they have sufficient capital to withstand adverse events, such as floods, storms or big accidents. This is supposed to help to increase their financial soundness. In the future insurers will be required to hold capital also against market risk (e.g. a fall in the value of an insurer’s investments), credit risk (e.g. when debt obligations are not met) and operational risk (e.g. malpractice or system failure). All these risk types pose material threats to insurers’ solvency but are not covered by the current EU system.

The Fourth Quantitative Impact Study’s public hearing has been launched and provides stakeholders with the opportunity to comment on the draft technical specifications that will form the basis for the QIS4 exercise, as QIS4 will provide the main quantitative input into the development of level 2 measures in Solvency II.

Stakeholder and interested parties should enter the process now.

V. RoHS Exemptions – Review of Annex to RoHS Directive

Article 4 I of Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment

(“RoHS Directive”) provides that from 1 July 2006, new electrical and electronic equipment put on the market does not contain lead, mercury, cadmium, hexavalent chromium, PBB or PBDE.

The Annex to the RoHS Directive currently lists 29 applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from the Directive’s substance restrictions (Art. 4 I). Materials and components can be exempted if their elimination or substitution via design changes or materials and components which do not require any of the restricted materials or substances is technically or scientifically impracticable, or where the negative environmental, health and/or consumer safety impacts caused by substitution outweigh the environmental, health and/or consumer safety benefits thereof.



On the basis of this provision, additional requests for applications to be exempted from the requirements of the Directive can be submitted to the Commission. These requests need to be evaluated in order to assess whether they fulfill the requirements stated in Article 5 I (b) of the mentioned Directive.

Furthermore, based on Article 5 I (c), the Commission is supposed to carry out a review of each exemption listed in the Annex at least every four years or four years after an item is added to the list. Thus, also the deletion of materials and components of electrical and electronic equipment from the existing Annex has to be considered if their elimination or substitution is possible with regard to the criteria listed in the Directive.

This new consultation will identify if exemption is still applicable for applications that were included in the original Directive as well as for new applications requested for exemption.

Stakeholders and interested parties should get involved as soon as possible to ensure the positive outcome of this review.

For more detailed information on what we can do for you please refer to our main website.

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