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Comment

This issue marks a number of legislative developments in the EU. Key items which are relevant to the ESA are covered in the various articles of this newsletter.

Equally, ESA activities continue apace. For example, the second ESA Packings Round Robin test is about to get underway, while the ESA Position Statement on the ATEX Directive has been developed by the Mechanical Seals Division and key points are reproduced on the right.

Brian Ellis

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EUROPEAN SEALING ASSOCIATION
Tegfryn
Tregarth
Gwynedd LL57 4PL
United Kingdom
www.europeansealing.com
☎ and fax: +44 1248 600 250
e-mail: bse@europeansealing.com

EU Directive on PFOS

In November, perfluoro-octane sulphonate (PFOS) was added to the list of persistent organic pollutants controlled under the UN Stockholm convention.

The following month, the European Commission introduced a draft Directive which would ban the major uses of the material, through an amendment to the 1976 Directive on dangerous substances and preparations.

Effectively, the draft Directive would ban the use of PFOS in carpets, textiles, upholstery, clothing, leather, paper and packaging, all of which virtually have been phased out in any case. Importantly, the ban would prevent any reintroduction for similar purposes, and at the same time would also apply to all new products.

A number of specialised uses, such as aviation hydraulic fluids, chromium plating, fire fighting foams, photography and photolithography would be exempt.

Norway and Sweden have introduced unilateral restrictions already, while the UK has announced plans for a phase out after an OECD project on risk assessment.

ESA ATEX Position statement

The EU Directive 94/9/EC - 'Equipment and Protective Systems intended for use in potentially explosive atmospheres' (the ATEX Directive) has been mandatory since 2003 July 1. However, the interpretation of how this Directive applies to mechanical seals is still largely misunderstood!



On 2005 Feb 22, the European Commission ATEX Standing Committee provided a "Consideration document" on mechanical seals, defining when a mechanical seal is to be considered an **ATEX Component** or a **machinery element** (which is **not** covered by the ATEX Directive). The intent is to restrict the definition of ATEX Components, such that by far the majority of mechanical seals do **not** fall under the requirements of the ATEX Directive.

The ESA Mechanical Seals Division supports this "Consideration document" and has developed a "Position Statement" to summarise its content and to further clarify related issues. Basically:

'Mechanical seals which use standard parts or modifications thereof are considered machinery elements. Only in exceptional circumstances should a mechanical seal be classified as an ATEX component. An engineered mechanical seal, in the context of ATEX, should be when a specifically designed mechanical seal (which meets the criteria of an ATEX component) has its design features based on the ignition potential of a particular service.'

The ESA Position Statement will be uploaded to the ESA website shortly and a press release is also planned.

EU IPPC BREF guidance review

The European Integrated Pollution Prevention and Control (IPPC) Bureau has begun the process of reviewing the BAT Reference (BREF) Notes, as required within the IPPC Directive.

Without doubt, this is a HUGE task. Originally, it was estimated that each BREF would take less than 2 years to complete, and then should be reviewed every 3 years approximately, dependent upon the introduction of new technologies. However, experience has shown that many BREF's have taken over 3 years to bring to completion, which might indicate that a review process within a further 3 year timescale may be somewhat optimistic! In total, 24 BREF's have been completed to date.

The first BREF to be reviewed is **cement and lime**, one of the early BREF's which was adopted in 2001 December. The deadline for submitting new information for review is 2006 June 1. Other reviews will begin this year on sectors covering **iron and steel**,

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pulp and paper, and **glass**. In 2007, reviews are scheduled to begin on **ferrous metal processing**, **non-ferrous metals** and **tanneries**.

Each review is expected to be completed within 2 years, a timescale seen by many as far too short! EU Member States will be required to gather updated information on emissions from all the installations covered in the review process, which in itself is a large undertaking!

The review process is an important opportunity for new abatement technologies to be included within the concept of **Best Available Techniques**. At the same time, we need to ensure that any new sealing technologies are registered with the European IPPC Bureau for inclusion in all relevant BREF reviews.

Reduced EU research programme

Leaders of the EU's 25 Member States decided at the December 2005 summit in Brussels that the 7th Framework Programme (FP7), due to run from 2007 - 2013, would be limited to 75% of the funding of the present programme, FP6.

This goes against the proposal of the European Commission that the next seven year cycle of EU-funded projects should have a budget TWICE the size of FP6. This would have amounted to €68bn and it is most unlikely that this would now be realised, despite the fact that the European Parliament could insist on a greater fund from the Member States. EU-funded projects equate to around 5% of the total R&D expenditure in the EU, and Member States are being encouraged to make up some of the lost funds through their national and regional programmes.

The European Commissioner for Science and Research, Janez Potocnik, has accepted that the available funds will have to be prioritised, with the focus on topics likely to produce the greatest added value.

Despite these cut-backs, the chemistry and biotechnology sectors appear to benefit overall, because of a number of EU research initiatives. In fact, the chemical industry will have its highest profile for 15 years! In particular, this will be covered under the sustainable chemistry platform, known as **SusChem**.

EU REACH Regulation accepted

On 29 October 2003, the European Commission accepted a proposal for a new EU regulatory framework for chemicals, called REACH (**R**egistration, **E**valuation and **A**uthorisation of **CH**emicals). Under this proposal, enterprises which manufacture or import more than one tonne of a chemical substance per year would be required to register it in a central database.

The aims of the proposal were to improve the protection of human health and the environment while maintaining the competitiveness and enhancing the innovative capability of the EU chemicals industry. Furthermore, REACH would give greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances. This information would be passed down the chain of production.

The proposal was drafted in consultation with interested parties, which has allowed the Commission to develop a streamlined and cost-effective system. The proposal was considered by the European Parliament and the Council of the EU for adoption under the so-called co-decision procedure.

There was considerable debate and disagreement between interested parties, which delayed the passage of the legislation dramatically!

After a series of amendments, the first reading in the European Parliament took place on 17 November 2005 and

political agreement took place in the European Council on 13 December 2005. It was decided that the legislation would take the form of a **Regulation**, making it more controllable and uniform across the entire EU, so limiting Member State interpretation.



The existing Directive and Regulation on Persistent Organic Pollutants will require amendment and a new European Chemicals Agency must be established and fully operational 12 months after entry into force of the legislation. The European Joint Research Centre has been tasked to collaborate with the chemical industry to assist in the REACH process.

The final adoption of the REACH legislation is expected by the end of 2006. It is anticipated that the REACH-legislation will enter into force around April 2007.

Relevant forthcoming meetings

♦ Design, maintenance and care of gasketed bolted flanged joints

London (UK), 2006 March 16

Tina Churcher
IMechE

Tel: +44 20 7973 1258

Fax: +44 20 7222 9881

e-mail: t_churcher@imeche.org.uk

♦ FlowExpo China

Guangzhou (China), 2006 March 29 - 31

Guangzhou Flow Expo Co., Ltd

Tel: +86-20-82220077

Fax: +86-20-82214624

e-mail: wanwanxy@tom.com

♦ FSA Spring Meeting

Orlando (Florida), 2006 April 5 - 7

Fluid Sealing Association

Tel: +1 610 971 4850

Fax: +1 610 971 4859

e-mail: info@fluidsealing.com

♦ Achema 2006

Frankfurt (D), 2006 May 15 - 19

Dechema e.V.

Tel: +49 69 75 64-0

Fax: +49 69 75 64-201

e-mail: achema@dechema.de

♦ ESA General Meeting

Varna (Bulgaria), 2006 May 31 - June 1

European Sealing Association
(contact details on front page)