



Looking Forward to 2010

Introduction

2010 will be a year of change at the EU – new Treaty, new Commission – but the same old problems! Lots of important developments will take place during the year – this briefing simply lists some of the ones we know “will” happen. Developments which are merely “likely to” “may well” or “should” happen are not covered – however important they may turn out to be!

1 January 2010

New Rules on EU Units of Measure

Plans to prohibit secondary labeling in non-EU units withdrawn – products can continue to be labeled in EU and eg USA measurements.

1 January 2010

EU Batteries Directive

From this date producers of batteries (*including importers and distributors*) required to pay for collection, treatment and recycling of batteries.

1 January 2010

Public Procurement – Remedies

Includes codification of the European Court’s “Alcatel” standstill requirement between contract award and contract signing. Contracts entered into in breach of the standstill or without a required procurement notice, will become ineffective. Member States may be required to rescind contracts entered into in breach. Increases the potential for bid challenges and thereby underlines the need for extra care on behalf of all contracting authorities.

30 April 2010

Commission Report on Environmental Liability Directive

Commission to report on whether current ELD arrangements can continue or whether there is a need for further harmonization of rules at an EU level.

1 June 2010

New Verticals Block Exemption

The big changes were made 10 years ago. These changes will mainly be as to detail important detail. There will be new guidance on ecommerce can distributors be required to limit or curtail their use of the internet as a means of generating sales. Or in VBER speak – when does ecommerce become active rather than passive selling. The new VBER will also clarify to what extent a distributor can be required to maintain an actual bricks and mortar presence in addition to using ecommerce – restrictions may be permitted to require a fixed percentage of sales from a physical location.

30 November 2010

REACH

Companies who have pre-registered the highest volume and most dangerous chemicals must file their Full REACH Registration by this date. Failure to file will result in the chemicals concerned being withdrawn from the EU market. Costs of registration may mean that for some chemicals there will be no Full Registration and it will be “goodbye, goodbye” to the EU market. Pre-Registration and Late Pre-Registration for newcomers in lower volume categories will continue until their Full Registration deadlines in 2013 and 2018.

31 December 2010

Capital Requirements Directive

Implementation of the Basel 2 agreement on banking/investment firms – updates and replaces the EU Capital Adequacy Directive and Banking Consolidation Directive.