

BAA continues fight against Aggregates Levy

The British Aggregates Association (BAA) has lodged an appeal at the European Court of Justice (ECJ) against the Luxembourg Court of First Instance's (CFI) decision that the

Aggregates Levy is not discriminatory.

The BAA is disputing the legality of an EU decision to allow the government to limit the amount of tax paid by some quarries while exempting others.

It argues that the CFI's finding in September represented a substantial departure from the existing case law of the ECJ, the EU's highest court.

BAA director Robert Durward said: "Whatever their reason, the fact remains that the CFI decision is fundamentally at odds with the ECJ on a number of counts."

He again questioned the environmental merit of the levy, saying it was "skewing the market" by promoting the quarrying of exempt aggregates, which were then transported further for cost-conscious customers. Asked about the chances of success for the appeal, Durward said: "If the ECJ goes by logic, facts and the law, then we don't have a problem, but if we have a political decision, we won't win."