

BAA to appeal European Commission decision



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The British Aggregates Association set to challenge recent Phase II decision on the Aggregates Levy

THE British Aggregates Association (BAA) is to appeal the recent Phase II decision by the European Commission on the aggregates levy exemptions.

The Commission decreed that all the exemptions, with the exception of shale aggregate, complied with state aid law and have now been reinstated. This was despite a great deal of evidence to the contrary, says the Association.

The BAA's lawyers, Herbert Smith Freehills, have, however, advised that this decision can be challenged on a number of grounds.

The appeal will be heard in the EU General Court in Luxembourg during the course of 2016.

This will mean that the November hearing in the London Court of Appeal may have to be postponed pending the outcome in the General Court.

BAA director Robert Durward (pictured) said: 'After taking three years to make its mind up, it is extremely frustrating that the Commission has produced such a poor-quality and partisan decision.'

'We have little doubt that we will once again win in the European Courts, but it is clear that the Commission has been prepared to bend the rules to favour the UK Government.'

The BAA says the principal reason that it is determined to fight on is to protect the SME sector.

It says the 'majors' know that the aggregates levy causes extreme problems for their small-company competitors and have never shown any inclination to support the BAA challenge.

The Association also claims there is evidence that the aggregates levy has increased the amount of imported aggregates arriving in the UK, especially from Norwegian coastal quarries.

It says not only does Norway not have an aggregates levy to contend with, but the country has a low-cost planning system and minimal business rates as well.

According to the BAA, the situation in Northern Ireland is particularly grim, with a number of quarries having already gone into liquidation and many more in deep trouble.

BAA

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