



EU Monitoring Report

17–24 September 2020

CONTENTS

EUROPEAN CHEMICALS AGENCY	3
IMPORTS	3
• 1 in 4 imported products found non-compliant with REACH and CLP	3
SVHC	3
• Intention to identify Bis(2-(2-methoxyethoxy)ethyl) as SVHC	3
• Intention to identify phenol, alkylation products as SVHC	3
CLP	4
• Poison centre notifications: Annex VIII guide available in 23 EU languages	4
EVENTS	4
• Webinar: How to manage your biocidal product family	4
EUROPEAN COMMISSION	5
BUILDINGS	5
• Report on technical support to develop smart readiness indicator	5
SAFETY AT WORK	5
• EU Commission study on protecting workers from carcinogens, mutagens	5
REACH	6
• Summary of authorisations on marketing and use of Annex XIV substances	6
• Agenda of the 69 th meeting of the Standing Committee on Biocidal Products	6
• 89 th meeting of Competent Authorities on implementation of BPR	8
• Minutes of 35 TH CARACAL meeting on Inclusion of ED in CLP Regulation	10
• Sweden comments on Intermediates Definition discussed by CARACAL	10
• Article 95 update	10
EUROPEAN PARLIAMENT	11
SUSTAINABILITY	11
• New Circular Economy Action Plan: amendment proposal published	11
STAKEHOLDERS	12

SVHC	12
• <i>German researchers push for more consumers to access SVHC information</i>	12
SUSTAINABILITY	12
• <i>Chemical industry has key role in helping to create a more sustainable world</i>	12
• <i>EU industry group calls on Commission to delay SCIP database requirements</i>	13
• <i>New report reveals hypocrisy of world's biggest plastic polluters</i>	13
• <i>Adopt 'common' approach to EU polymer registration, ACC tells Commission</i>	14
• <i>Chemistry's waste problem</i>	14
EVENTS	16
• <i>WEBINAR: Tactical Response For Chemical Emergencies</i>	16

EUROPEAN CHEMICALS AGENCY

IMPORTS

- **1 in 4 imported products found non-compliant with REACH and CLP**

Source: European Chemicals Agency

A pilot project by ECHA's Enforcement Forum examining imports of products into the EU has found that 23 % of inspected products were non-compliant with REACH and CLP. Some imports contained illegal amounts of hazardous substances that are restricted in the EU, while others had incorrect hazard labelling – which could compromise their safe use and put citizens' health at risk if they enter the market.

More information:

<https://echa.europa.eu/fr/-/1-in-4-imported-products-found-to-be-non-compliant-with-reach-and-clp>

SVHC

- **Intention to identify Bis(2-(2-methoxyethoxy)ethyl) as SVHC**

Source: European Chemicals Agency

An intention by the Austrian authorities has been received to identify Bis(2-(2-methoxyethoxy)ethyl) ether as SVHC due to its reproductive toxicity properties.

More information:

<https://echa.europa.eu/fr/registry-of-svhc-intentions>

- **Intention to identify phenol, alkylation products as SVHC**

Source: European Chemicals Agency

An intention has been received to identify [phenol, alkylation products](#) as substance of very high concern (mainly in para position) with C12-rich branched or linear alkylchains from propene oligomerisation, covering any individual isomers and/or combinations thereof.

More information:

<https://echa.europa.eu/fr/registry-of-svhc-intentions>

CLP

- **Poison centre notifications: Annex VIII guide available in 23 EU languages**

Source:

The current version of the Guidance on harmonised information relating to emergency health response – Annex VIII to CLP – is now available in 23 EU languages. The next update to this guidance will also include the changes brought by the second amendment to Annex VIII. This next version is currently undergoing a formal consultation and the draft is already available on ECHA's website.

More information:

<https://poisoncentres.echa.europa.eu/-/updated-guidance-now-available-in-23-eu-languages>

EVENTS

- **Webinar: How to manage your biocidal product family**

Source: European Chemicals Agency

This webinar is for you if you work or plan to work with an application for product authorisation for a biocidal product family.

The aim of the webinar is to give you an overview of the state of play on biocidal product families in the EU. You will also hear about practical experience gained by a national authority and industry on the revised biocidal product family concept. The webinar will be published on our home page on the day of the event at 11:00 Helsinki time (EET, GMT +2). A live online Q&A session will take place. Instructions for joining will be available online. [Biocidal product families](#).

More information:

<https://echa.europa.eu/-/how-to-manage-your-biocidal-product-family>

EUROPEAN COMMISSION

BUILDINGS

- **Report on technical support to develop smart readiness indicator**

Source: European Commission

Smart technologies in buildings can be a cost-effective means to assist in creating healthier and more comfortable buildings with a lower energy use and carbon impact and can also facilitate the integration of renewable energy sources in future energy systems. One of the focal points of the Energy Performance of Buildings Directive (EPBD) is to better tap this potential of smart technologies in the building sector.

As part of this focus, the EPBD sets out provisions to establish a “Smart Readiness Indicator” (SRI) as an instrument for rating the smart readiness of buildings. This optional common EU scheme will assess the technological readiness of buildings to interact with their occupants, to interact with connected energy grids and to operate more efficiently. The aim of the SRI is to raise awareness of the benefits of smarter building technologies and functionalities and make their added value more tangible for building users, owners, tenants, and smart service providers.

More information:

https://op.europa.eu/en/publication-detail/-/publication/f9e6d89d-fbb1-11ea-b44f-01aa75ed71a1/language-en?WT.mc_id=Searchresult&WT.ria_c=37085&WT.ria_f=3608&WT.ria_ev=search

SAFETY AT WORK

- **EU Commission study on protecting workers from carcinogens, mutagens**

Source: European Commission

This study provides an overview of the current state-of-play in Europe in respect to the fight against cancer. It focuses in particular on four main areas: causation of cancer; cancer screening and early diagnosis; access to cancer treatment,

care and research; and rare and childhood cancers. It provides key findings and recommendations in each of these areas.

- The European Commission published on 22 September a [proposal](#) to amend the EU Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.
- The Commission also published an [impact assessment](#) accompanying the proposal, as well as a [summary of the impact assessment](#).
- Trade unions welcomed the action in a [statement](#). The European Agency for Safety and Health at work also [reacted on the proposal](#).

More information:

<https://www.europarl.europa.eu/committees/en/product/product-details/20200921CAN57408>

REACH

- **Summary of authorisations on marketing and use of Annex XIV substances**

Source: European Commission

The European Commission published a summary of its Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the REACH Regulation.

More information:

https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=uriserv:OJ.C_.2020.316.01.0003.01.ENG&toc=OJ:C:2020:316:TOC

- **Agenda of the 69th meeting of the Standing Committee on Biocidal Products**

Source: European Commission

The Standing Committee on Biocidal Products met for its 69th meeting on 23 September 2020. The agenda included the following items (including links to the associated measures/acts):

Section 1 – Active substances

- Commission Implementing Regulation approving reaction mass of peracetic acid (PAA) and peroxyoctanoic acid (POOA) as an existing active substance for use in biocidal products of product-types 2, 3 and 4 ([SCBP69-Doc.4.1](#))
- Commission Implementing Decision not approving chlorophene as an existing active substance for use in biocidal products of product-type 2 ([SCBP69-Doc.3.1](#))
- Commission Implementing Regulation approving formaldehyde as an existing active substance for use in biocidal products of product-types 2 and 3 ([SCBP69-Doc.5.1](#))
- Commission Implementing Regulation (EU) approving active chlorine generated from sodium chloride by electrolysis as an active substance for use in biocidal products of product type 1 ([SCBP69-Doc.7.1](#))
- Commission Implementing Regulation (EU) approving active chlorine generated from sodium chloride by electrolysis as an active substance for use in biocidal products of product types 2, 3, 4 and 5 ([SCBP69-Doc.8.1](#))
- Commission Implementing Regulation (EU) approving active chlorine released from hypochlorous acid as an active substance for use in biocidal products of product type 1 ([SCBP69-Doc.9.1](#))
- Commission Implementing Regulation (EU) approving active chlorine released from hypochlorous acid as an active substance for use in biocidal products of product types 2, 3, 4 and 5 ([SCBP69-Doc.10.1](#))
- Commission Implementing Decision (EU) not approving esbiothrin as an active substance for use in biocidal products of product-type 18 ([SCBP69-Doc.11.1](#))
- Commission Implementing Decision (EU) not approving carbon dioxide as an active substance for use in biocidal products of product-type 19 ([SCBP69-Doc.12.1](#))
- Information on the decision-making process for glyoxal for use in biocidal products of product-types 2, 3 and 4

Section 4 – Union authorisations

- Commission Implementing Decision (EU) not granting a Union authorisation for the biocidal product family “Contec Hydrogen Peroxide” ([SCBP69-Doc.17.1](#))
- Commission Implementing Regulation (EU) amending Implementing Regulation (EU) No 2018/1258 as regards the administrative change of

- the information submitted to the Union authorisation for the biocidal product family “Ecolab Iodine PT3 Family” ([SCBP69-Doc.18.1](#))
- Commission Implementing Regulation (EU) amending Implementing Regulation (EU) No 2018/1261 as regards the administrative change of the information submitted to the Union authorisation for the biocidal product family “Hypred's iodine based products” ([SCBP69-Doc.19.1](#))
 - Commission implementing Regulation (EU) granting a Union authorisation for the biocidal product family “Hydrogen Peroxide Family 1” ([SCBP69-Doc.23.1](#))

More information:

https://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&Dos_ID=20088&ds_id=69093&version=1&page=2

- **89th meeting of Competent Authorities on implementation of BPR**

Source: European Commission

On 24–25 September 2020 the 89th meeting was held of representatives of Members States Competent Authorities for the implementation of Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products. The agenda included the following items (including links to the associated measures/acts):

Draft delegated acts

- [Draft delegated act to include citric acid into Annex I to the BPR](#)

Biocidal products

- Addressing the need of disinfectants: Active chlorine released from hypochlorous acid and active chlorine generated from sodium chloride by electrolysis (For information)
- Article 55(1) permits for disinfectants (For information)
- [Non-active substances contained in biocidal products having indications for ED properties: prioritisation under REACH](#)
- Non-active substances contained in biocidal products having indications for ED properties (document unavailable)

- [Non-active substances contained in biocidal products having indications for ED properties: whether including the name in BPC opinion and authorisations](#)
- Change of classification of active substances and the consequences on biocidal product procedures (For information)
- [Simplified procedure for products containing active substances newly included into Annex I](#)
- [Amendment of \(Article 6\) Regulation No 492/2014](#)
- [Borderline biocides and cosmetics for hand sanitizers](#)

Active substances

- [Progression of the review programme on active substances](#)
- [Progression of the renewal process of approval of active substances](#)
- Progression of evaluation of applications for approval as regards to the determination of ED properties for [Cyanamide](#) and [DBNPA](#).
- [Status of an active substance containing an impurity identified as an endocrine disruptor](#)
- [Status of an active substance generating disinfection by products identified as an endocrine disruptor](#)

Horizontal matters

- [Draft guidance on relevant renewal data under Article 95](#)
- [UK's withdrawal from the EU: refMSs for authorisations where the UK was the refMS](#)

Scope matters

- [Scope issues identified during the drafting of PT 11-12 efficacy guidance](#), and [Swedish Proposal](#)

More information:

<https://circabc.europa.eu/ui/group/e947a950-8032-4df9-a3f0-f61eefd3d81b/library/6dafca05-2d67-4e4d-9689-f95c91a5cb3f/details>

- **Minutes of 35TH CARACAL meeting on Inclusion of ED in CLP Regulation**

Source: European Commission

The Commission presented an update of the work of the CASG-ED. The group started the work on two topics. On the inclusion of ED criteria in CLP, COM informed that a document was uploaded on CIRCABC regarding options to include criteria for endocrine disruption in the CLP Regulation. This document will be discussed during the next meeting of the CASG-ED.

On the modification of data requirements in REACH with relation to endocrine disruptors, COM indicated this will be discussed during the meeting of the CASG-ED on 19th October 2020.

More information:

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/f839a79a-f49c-4a12-be90-86dd1e15635c/details>

- **Sweden comments on Intermediates Definition discussed by CARACAL**

Source: European Commission

Following up on the June–July meeting of CARACAL, Sweden has published its comments on the discussions concerning the Definition of Intermediates.

More information:

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/1843f94c-aa8c-4837-a6b5-185f0f195b60/details>

- **Article 95 update**

Source: European Chemicals Agency

The recently updated Article 95 list includes new entries that are relevant biocidal products for the swimming pools and spas (BPR Product Type 2).

ECHA is responsible for the publication of the list of relevant substances and the respective substance and product suppliers, in accordance with Article 95 of the Biocidal Products Regulation (BPR). The purpose of this list is to "ensure the equal treatment of persons placing active substances on the market".

Over the past week, the list has been updated to include Active chlorine released from hypochlorous acid (Redefined from Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced in situ) supplied by the following companies:

- EnvirolYTE Greece
- ELYTE AS (Norway)
- IndustryMIX GmbH & Co.KG (Germany)
- W.P.C. Water Purification Consulting Ltd. (Estonia)

https://echa.europa.eu/documents/10162/27434452/art_95_list_en.xlsx/ea3b16a9-2976-48c7-664e-d0bff680d393

EUROPEAN PARLIAMENT

SUSTAINABILITY

- **New Circular Economy Action Plan: amendment proposal published**

Source: European Parliament

The European Parliament is preparing an own-initiative report in response to the New Circular Economy Action Plan (CEAP), published by the European Commission on 11 March 2020. The Committee on the Internal Market and Consumer Protection is drafting an Opinion which will feed into the main report for which the Committee on the Environment, Public Health and Food Safety is responsible. The amendments tabled by MEPs have been published.

More information:

https://www.europarl.europa.eu/doceo/document/IMCO-AM-657284_EN.pdf

STAKEHOLDERS

SVHC

- **German researchers push for more consumers to access SVHC information**

Source: Chemical Watch

Suppliers of articles should be pushed to give consumers more rapid access to information on substances of very high concern (SVHCs) in those products, according to a German study.

Under REACH Article 33, consumers have a right to know whether articles contain SVHCs above a concentration of 0.1%. Following a request for information, the supplier has 45 days to respond, but this period is too long to help consumers make informed purchasing decisions, said a team from the University of Göttingen and Darmstadt University of Applied Sciences.

More information (subscription required):

<https://chemicalwatch.com/158412/german-researchers-push-for-more-consumers-to-access-svhc-information>

SUSTAINABILITY

- **Chemical industry has key role in helping to create a more sustainable world**

Source: ICIS

The latest blog post on Chemicals & The Economy by Paul Hodges, which looks at the opportunity for the chemical industry to create a more sustainable world.

More information:

<https://www.icis.com/chemicals-and-the-economy/2020/09/chemical-industry-has-key-role-in-helping-to-create-a-more-sustainable-world/>

- **EU industry group calls on Commission to delay SCIP database requirements**

Source: Chemical Watch

Forty industry groups in Europe have sent a letter to the European Commission's president calling on her to delay by 12 months the 1 January 2021 deadline to notify Echa under its substance of concern in products (Scip) database.

The delay would allow the Commission time to conduct a study on its "usefulness, feasibility, proportionality and impact", it says.

The letter to President Ursula von der Leyen, seen by Chemical Watch, reiterates EU industry concerns over the Scip database raised since 2018, including that: The letter stresses that issues flagged with the [European Commission](#) and [ECHA](#) so far have been ignored. Therefore, they call on the Commission president to take "urgent political action".

More information (subscription required):

<https://chemicalwatch.com/157819/eu-industry-groups-call-on-commission-president-to-delay-scip-database-requirements>

- **New report reveals hypocrisy of world's biggest plastic polluters**

Source: Changing Markets Foundation

A ground-breaking new report from The Changing Markets Foundation has revealed how, behind a veil of nice-sounding initiatives and commitments to address the plastics crisis – the plastics industry, consumer brands and retailers have obstructed and undermined proven legislative solutions to the crisis for decades. Based on research and investigations in over 15 countries¹ across five continents, Talking Trash: The Corporate Playbook of False Solutions exposes how tactics to undermine legislation in individual countries are in fact part of a global approach by Big Plastic to ensure that the corporations most responsible for the plastic crisis evade true accountability for their pollution. Changing Markets Foundation published a [summary of the report](#).

More information:

https://talking-trash.com/wp-content/uploads/2020/09/TalkingTrash_FullReport.pdf

- **Adopt 'common' approach to EU polymer registration, ACC tells Commission**

Source: Chemical Watch

The American Chemistry Council has joined the chorus of EU industry groups in urging the European Commission to adopt a "common" approach to polymer registration based on exempting chemicals considered to be of low concern.

The ACC's comments, in a letter to an EU working group, could signal further complications for the Commission, which is already facing an uphill struggle to bring the substances under REACH, if its proposed criteria based on polymers requiring registration (PRR) are met with international disapproval.

More information (subscription required):

<https://chemicalwatch.com/155950/adopt-common-approach-to-eu-polymer-registration-acc-tells-european-commission>

- **Chemistry's waste problem**

Source: EURACTIV

Europe's chemical industry needs to embrace circular thinking and urgently address concerns about substances getting into the environment or risk being crushed by regulators, writes Tom Parker.

Tom Parker is Chairman of Cambre Associates, a consultancy, and President of the British Chamber of Commerce in Belgium.

Against a growing tide of consumer concern and the backdrop of an emerging EU Circular Economy Agenda, Dow CEO Jim Fitterling commented in March 2019 that there could be no denial of the plastic waste problem. In doing so, he put his finger on the phase of the chemical lifecycle that will be the single greatest challenge in the years ahead, not just for the plastic industry but for the chemical industry at large.

That the production of chemicals has an important environmental footprint there is no doubt. It must be recognised, however, that the industry is working harder than ever to reduce this and making a critical contribution in supporting the technologies we need, such as solar energy, wind turbines, batteries and insulation materials, to meet the UN Sustainable Development Goals and be climate neutral by 2050.

These are the same technologies that have been recognised as strategic sectors for investment in the EU's recovery plan and that will make EU industry competitive worldwide.

Unfortunately, as we have seen with the controversy around microplastics, when it comes to waste unless the industry steps up its game the true "value" of chemistry will be lost on European policymakers and more importantly society at large. Attention will not be given to the enabling power and saving potential of chemistry but rather how it is damaging our increasingly vulnerable ecosystems. In response, European policymakers will continue to look to strengthen the regulation of chemicals, increasing their traceability in the articles we use, such as through the SCIP database, including new criteria for evaluation like PMT and Persistence alone, extending scope to cover polymers and include provision for the effect of chemical mixtures under REACH.

Taking into consideration the rising tide of plastic in the environment, recent major pollution events in the Netherlands, Italy... and the growing concern of Europeans in relation to the environment and its impact on our health, you can understand why this is the case.

However, in doing so, there is a real danger that regulators end up using a sledgehammer to crack a nut, adopting excessively blunt regulation of the chemicals that play a critical role today and are also absolutely essential for our carbon-neutral, digital and resilient future.

If you take the example of PFAS, a large family of thousands of synthetic chemicals widely used throughout society but found in the environment that are currently in the eye of a political storm around the world, there is no doubt there is a significant problem that requires urgent regulatory attention. However, if regulators put all PFAS in the same regulatory bucket there is a real danger that not only will they ignore the fundamental differences in the physico-chemical properties and related behaviours that exist across the very different chemicals in the PFAS group but they could also throw the baby out with bath water, restricting both substances that are a problem but also those that contribute to address significant societal needs like pollution abatement, medical implants, personal protective equipment amongst many others.

On a more general but related note, efforts to tighten chemical regulation by extending criteria to cover substances that demonstrate extreme persistence are a double-edged sword. Yes, if these substances are allowed to build up in the environment, there is a theoretical possibility that they could in time reach

a threshold that requires attention. On the other hand, the quality of durability that results from a chemical's ability to persist is what ensures that in extreme conditions wind turbines can operate, sealants can insulate windows, and the mobile technology that we use can function wherever we are in the world.

The balance between persistence and durability needs to be given careful consideration otherwise, cognisant of the precautionary foundation of European chemical policy, there is a very real risk that policy is implemented that undermines our 2050 goals.

More information:

<https://www.euractiv.com/section/energy-environment/opinion/chemistry-waste-problem/>

EVENTS

- **WEBINAR: Tactical Response For Chemical Emergencies**

Source: Cefic

On September 29, 2020 at 11:00 am, benefit from the knowledge of our panel members who have a wealth of direct experience dealing with incidents including BASF Vice President and ICE Network Chairman – Gert Van Bortel, Chris Sowden – Head of NCEC's emergency response team and Ed Sullivan – former Head of the UK Fire Service College's Hazmat training, now NCEC's Hazmat training lead. During the webinar hosted by Cefic, BASF, NCEC you will learn:

- How being prepared for an incident leads to better outcomes
 - Why level 1 telephone advice is vital for level 2&3 on-scene response
 - Practical steps to take on-scene during an incident
 - The importance of a strong and reliable communication chain
- This webinar will improve your understanding of how a tactical response to an incident should happen, enabling you to plan, mitigate potential risks and manage better should the worst happen.

The webinar will be followed by a Q&A session with the experts. If you can't attend the live session, register anyway and we'll send you a link to the webinar recording. Feel free to share this invitation to colleagues and logistics partners.

More information:

<https://cefic.org/media-corner/event/8342-2/>