



# EU Monitoring Report

## 27 August – 3 September 2020

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## EUROPEAN CHEMICALS AGENCY

### BIOCIDES

- **Draft agenda for 36th meeting of the Biocidal Products Committee**

*Source: European Chemicals Agency*

From 6 to 8 October 2020 ECHA's Biocidal Products Committee is scheduled to meet. The agenda includes the following points:

- List of Endpoints for environmental exposure assessment for peracetic acid (PAA) and hydrogen peroxide
- Revised Assessment Report following the submission of data after active substance approval:
  - Active chlorine release from sodium hypochlorite for PT 1 - 5
  - Active chlorine release from calcium hypochlorite for PT 2 - 5
  - Active chlorine release from chlorine for PT 2 and 5

**More information:**

[https://echa.europa.eu/documents/10162/22836226/BPC-A-36-2020\\_Draft+agenda.pdf/3c78bdcc-3aaf-5ad8-37bc-0b31a7c62018](https://echa.europa.eu/documents/10162/22836226/BPC-A-36-2020_Draft+agenda.pdf/3c78bdcc-3aaf-5ad8-37bc-0b31a7c62018)

- **Consultation launched for potential candidates for substitution**

*Source: European Chemicals Agency*

Boric acid and sodium borates are commonly used as a pH buffer in swimming pools and spas, meaning they help increase the capacity of the water to resist changes in pH. However, they have other uses as well: Boric acid and sodium borates can inhibit algae growth and reduce corrosion.

ECHA has launched a consultation for [boric acid](#) (EC 233-139-2, CAS 10043-35-3) and [disodium tetraborate pentahydrate](#) (EC 215-540-4, CAS 12179-04-3) as new potential candidates for substitution under the Biocidal Products Regulation. The deadline to comment 27 October 2020.

ECHA has also launched for two other substances, namely [bis\(2-\(2-methoxyethoxy\)ethyl\) ether](#) and [Dioctyltin dilaurate, stannane, dioctyl-, bis\(coco acyloxy\) derivatives](#).

**More information:**

<https://echa.europa.eu/en/public-consultation-on-potential-candidates-for-substitution>

- **Update: Biocides Working Group Meeting III-2020**

*Source: European Chemicals Agency*

The agenda has been updated for the new meetings which are scheduled for ECHA's Biocides Working Group. The Working Groups (WG) of the Biocidal Products Committee (BPC) support the Committee with the preparation of its opinions and contribute to the harmonisation of risk assessment under the Biocidal Products Regulation (BPR). The meetings of the different working groups are scheduled to take place virtually from 8 to 18 September 2020.

- The Working Group on analytical methods and physico-chemical properties is scheduled to discuss "in situ generated active substances" (presumably including active chlorine generated from electrolysis).
- The agenda of the Efficacy Working Group contains an item concerning "Early WG on efficacy requirements for disinfectants of swimming pools and spas PT 2".
- Certification of testing laboratories for disinfectant efficacy testing, for discussion.

**More information:**

[https://echa.europa.eu/documents/10162/22837179/wgiii\\_2020\\_revised\\_draft\\_agenda\\_en.pdf/77457891-19fd-440b-a235-c79da8011c3d](https://echa.europa.eu/documents/10162/22837179/wgiii_2020_revised_draft_agenda_en.pdf/77457891-19fd-440b-a235-c79da8011c3d)

## EXPORTS

- **Sharing of information on exports of harmful chemicals continues to grow**

*Source: European Chemicals Agency*

Notifications from EU companies to export certain hazardous chemicals outside the Union have continued to steadily rise over the last three years. More than

10 000 notifications were processed in 2019 – an increase of around 35 % compared to 2016. With the increased workload, adequate resourcing is a necessity for future PIC (Prior Informed Consent) work.

**More information:**

<https://echa.europa.eu/-/sharing-of-information-on-exports-of-harmful-chemicals-continues-to-grow>

## WASTE

- **Updated submission portal for SCIP database**

*Source: European Chemicals Agency*

With the updated ECHA submission portal, you can submit a simplified SCIP notification. This reduces your workload if you supply the same product that an upstream supplier has already notified to the database. As a distributor, you can link your SCIP notification to those of your suppliers if they supply the same product as you. You can now also notify a complex object by referring to information already submitted to the database. The submission portal's search and export features have also been improved.

**More information:**

<https://echa.europa.eu/scip-prototype>

## EUROPEAN COMMISSION

### SUSTAINABILITY

- **Green claims initiative - Public consultation launched**

*Source: European Commission*

The European Commission has launched the public consultation on the green claims initiative. It will be open until 3 December 2020. It is called the [Environmental performance of products & businesses – substantiating claims](#).

This initiative will require companies to substantiate claims they make about the environmental footprint of their products/services by using standard methods for quantifying them. The aim is to make the claims reliable, comparable and

verifiable across the EU – reducing ‘greenwashing’ (companies giving a false impression of their environmental impact). This should help commercial buyers and investors make more sustainable decisions and increase consumer confidence in green labels and information.

The European Commission would like to hear your views. The feedback period runs from 27 August 2020 to 3 December 2020 (midnight Brussels time). Through public consultations you can express your views on aspects of EU laws and policies before the Commission finalises its proposals.

**More information:**

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12511-Environmental-claims-based-on-environmental-footprint-methods/public-consultation>

## **REACH**

- **Industry group ‘REACH Alliance’ comments ECHA’s stance on intermediates**

*Source: European Commission*

The ECHA document CA/37/2020 (“the Impact Note”) presented to the CARACAL as the ECHA and COM interpretation of the “Acrylamide judgment” C-650-15 P relating to the definition of intermediates presents a series of misconceptions which are contrary to the binding authority of the EU Court of Justice and will have consequences in the different industries represented by the REACH Alliance.

In breach of the REACH Regulation on art 3 (§15) and the Court judgment, the Commission Impact Note incorrectly introduces new criteria and extended conditions across all intermediate categories:

- A main purpose criterion (though clearly rejected by the Court);
- The reduction of the synthesis condition to processes requiring the implementation of so-called “technical means” taking the form of the equipment which was solely designed for non-isolated intermediates (whereas the Court clearly stated that the technical means is the synthesis);

- A storage capability for the synthesized resulting substance, despite the fact that the REACH Regulation only specified an equipment requirement for non-isolated intermediates, explicitly excluding storage equipment of the non-isolated intermediate itself.

Moreover, by doing so, the Impact Note overlooks and disregards the alternative 'site' condition provided in the definitions of the (transported) isolated intermediates. We call on ECHA and the Commission to reconsider the Impact Note with a view to conform it to the law.

**More information:**

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/d37aabfa-af24-4028-a505-a95533335f8a/details>

- **European Borates Association (EBA) comments classification of boron mixtures**

*Source: European Commission*

The European Borates Association (EBA) submitted comments to CARACAL paper CA/45/2020. The EBA represents the companies that manufacture or import 95% of the boric acid, 100% of the disodium tetraborates, 94% of the diboron trioxide, and 95% of the disodium octaborate in the EU.

[Document CA/44/2020](#) lists the substances for which RAC adopted an opinion in 2019 on harmonised classification. The table includes the proposed entries in Annex VI to CLP with a modified or new harmonised classification, including information on hazard class and category, hazard statements and supplementary hazard statements, applicable pictograms and signal words, as well as specific concentration limits, acute toxicity estimates (ATE) and M-factors.

The EBA reacts specifically to the German Competent Authority's proposal for a new note 11 linked to some boron compounds; namely: "(11) Classification of mixtures is necessary if the sum of boron compounds that are classified as Repr. 1A/1B and are theoretically able to release boric acid, diboron trioxide or borates in the mixture as placed on the market is  $\geq 0.3\%$ ."

The EBA also highlights that the proposed note 11 refers to boric acid and diboron trioxide that are well-defined substances but the term 'borates' is undefined and very generic. If we follow the expert judgement of ECHA, the term 'borates' would consist of a group of up to 480 substances. Therefore, as

currently worded, these 480 substances will have to be considered for the application of the Note 11.

**More information:**

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/cf62976b-4c18-4158-a89b-d88507084c01/details>

**CLP**

- **European Chemical Industry lobby criticises ECHA's CLP proposal**

*Source: European Commission*

The European Chemical Industry Council (Cefic) welcomes the Commission's paper on the Improvement and re-design of the CLP inventory, and considers that the proposals presented are a good starting point. In the paper, Cefic shares its comments and concerns on the proposal, contained in CA/51/2020 on CL Inventory Identity of Notifiers.

**More information:**

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/49259519-30f2-4dba-9b1b-05e42f744848/details>

- **Practical solutions to help meet harmonised information requirements**

*Source: European Chemicals Agency*

The European Commission has adopted a second amendment to Annex VIII to CLP, which includes provisions to help companies meet requirements for poison centre notifications. The amendment aims to address concerns on the administrative burden for companies while still meeting the information needs of poison centres.

**More information:**

<https://poisoncentres.echa.europa.eu/fi/-/practical-solutions-to-help-meet-harmonised-information-requirements>

- **Proposal published to improve poison centre notifications for mixtures**

*Source: European Commission*

The European Commission has published the recently adopted proposal to fix the serious workability issues highlighted by Member States and lobbied for by various stakeholders.

Member States' appointed bodies are responsible for receiving information from importers and downstream users on the hazardous chemical mixtures they place on the market, according to Regulation (EC) No 1272/2008, which was amended by Commission Regulation (EU) 2017/542 by adding an Annex harmonising the information to be provided relating to emergency health response ("Annex VIII").

The Commission is now proposing to add paragraph (8) to Article 25 as well as to amend Annex VIII of Regulation (EC) 1272/2008 in order to solve the workability issues. Notably the difficulty or impossibility of knowing the exact composition of products in cases where raw materials with highly variable or unknown composition are used, where multiple suppliers are being used for components that are stored in the same recipient, or where complex supply chains are involved.

**More information:**

<https://webgate.ec.europa.eu/regdel/#/delegatedActs/1479>

## **ENDOCRINE DISRUPTORS**

- **Views of European Chemical Industry on 'Inclusion of ED in CLP Regulation'**

*Source: European Commission*

Cefic calls for a balanced assessment of different policy options for horizontal identification of endocrine disrupting chemicals and for a thorough policy discussion to take place in CARACAL 36.

A transparent and thorough policy discussion needs to take place among policy makers at CARACAL level, taking into account the outcome of the Fitness Check on Endocrine Disruptors, to clarify the policy objectives being sought and to have an open exchange on the different policy options, with their respective

advantages and disadvantages. Such discussion is a key step towards an effective and workable proposal.

For that reason, Cefic would like to ask the European Commission to include ED policy options as a discussion point for the next CARACAL meeting to give the opportunity to the MSCAs and stakeholders to present their positions and exchange views.

NGO Health and Environment Alliance (HEAL) also [outlined several recommendations](#) to stakeholders which include recommendations for the next steps in the process for Member States:

- Support the option (i) presented by the European Commission and constructively contribute knowledge in further developing this option.
- Mobilise work currently undertaken at national level (e.g. to develop various ED lists, including lists of suspected EDCs), and join forces to help operationalise the categorisation of ED hazard under CLP. For instance, Member States could share past or ongoing examples of analysis of individual substances in order to compare the different levels of evidence and initiate the thinking on where to draw the line between known, presumed and suspected EDCs based on concrete cases.

**More information:**

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/37075763-4f4e-4204-ab01-ce9ba20efaac/details>

**ECODESIGN**

- **Scientific support for adding circular economy rules to EU ecodesign directive**

*Source: European Commission*

The European Commission published a paper which presents and analyses the REAPro Research programme led at the JRC that allowed the Commission to move from the formulation in 2011 of a general policy need to improve circularity of products through design, to the concrete implementation in 2019 of innovative and ambitious circular economy criteria in entry market European legislation.

This policy innovation entailed the robust development of complementary components along the policy process, including policy agenda setting (better formulation of the policy need), policy formulation (e.g. identification of indicators to measure resource efficiency of products), and policy implementation (initiation of standardization activities).

The paper looks back into 10 years of scientific support to policy and draws some conclusions concerning the needs of scientific support for policy making.

**More information:**

<https://ec.europa.eu/jrc/en/publication/ten-years-scientific-support-integrating-circular-economy-requirements-eu-ecodesign-directive>

## **POLLUTANTS**

- **Commission asks feedback on new limits for pentachlorophenol**

*Source: European Commission*

Pentachlorophenol and its salts and esters are listed in Annex I to Regulation 2019/1021 implementing the Stockholm Convention on Persistent Organic Pollutants, and so are banned in the EU. The EU Commission asks feedback on its initiative to set a limit for those chemicals as unintentional trace contaminants in substances, mixtures and articles. This limit will help to enforce the ban.

The use of pentachlorophenol is limited today but was commonly used to treat (decorative) wooden panelling near swimming pools, [according to the Swedish Environmental Protection Agency](#).

**More information:**

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12516-Persistent-organic-pollutants-pentachlorophenol>

## STAKEHOLDERS

### SUSTAINABILITY

- **EU Chemical Industry publishes views on Chemicals Strategy For Sustainability**

*Source: European Chemical Industry Council*

Chemicals are key components of materials used in wind turbines, solar panels, electric batteries and building insulation in addition to playing a vital role in everyday needs of society, from medicines to clothes. The COVID19 pandemic has also shown a key role our industry plays in producing essential supplies during this unprecedented public health crisis. Chemical processes and products are present in every imaginable industrial ecosystem in Europe today, which makes us an important player in the post-COVID19 economic recovery.

“This is why we see this strategy as an opportunity for European and member state authorities dealing with climate, circular economy, innovation, trade, enforcement and digital policies to work more closely with the chemical industry to deliver on the European Green Deal objectives, accelerate the post-COVID19 Green Recovery and strengthen EU’s strategic value chains” – Sylvie Lemoine, Cefic’s Executive Director Product Stewardship

This holistic strategic approach would also help maintain a high level of protection for people and environment and support the industry’s investments into developing safer and more sustainable substances on European soil.

“The upcoming strategy should be based on three pillars – improvement, innovation and enforcement – to make this vision a reality” says Sylvie Lemoine, Cefic’s Executive Director Product Stewardship

It should be based on further improving the implementation of REACH, which is already the most sophisticated regulatory framework on chemicals in the world providing one of the highest level of protection in the world. A more effective implementation of REACH will bring more consistency in application of already more than 40 pieces of legislation, governing production and use of chemicals.

Moving towards the principle of ‘one substance-one assessment’ for substances should result in greater predictability for industry and improve people’s trust in regulatory opinions issued by various EU agencies.

Developing a new EU ‘Safe-and-Sustainable-by-Design’ standard and increasing funding for new predictive toxicology tools would accelerate development of innovative and safer alternatives to hazardous substances. Finally, stricter enforcement of all EU chemical and environmental laws for imports would ensure no chemicals enter Europe that do not comply with its rules.

Download [Cefic’s submission](#) to the European Commission’s Roadmap for an EU Chemicals strategy for sustainability.

**More information:**

<https://cefic.org/media-corner/newsroom/chemicals-strategy-for-sustainability-a-unique-opportunity-to-harnesses-the-enormous-potential-of-europes-chemical-industry-towards-delivering-european-green-deal-objectives/>

## **PRODUCT SAFETY**

- **Why the EU needs to improve its product safety law**

*Source: BEUC*

An essential EU product safety law, called the General Product Safety Directive (GPSD), dates back to 2001 and is not made for an era of online shopping and the Internet of Things. BEUC and its sister organisation ANEC have just issued recommendations on how to make it fit for the 2020s.

The GPSD obliges producers to only place safe products on the market. It is a law that sets general requirements for products that do not benefit from ‘sectoral’ – that is, product-specific – safety legislation. Commodities as diverse as furniture, textiles, bikes, ladders, and child-care products derive their safety requirements from the GPSD.

How to bring the law up to date? The EU has made a start at addressing these challenges by approving a reform of market controls in 2019. However, this reform only applies to products with sector-specific laws. The GPSD needs to extend the improvements to all consumer goods.

To fix the above-mentioned challenges, the GPSD reform should also go further than this 2019 update. For example, online marketplaces must be considered as operators in the supply chain and be held liable if products sold through their platforms cause damage. And the concept of ‘safety’ should be broadened to

include (cyber)security aspects that have an impact on safety. An updated GPSD should also set detailed chemical safety criteria for consumer products.

**More information:**

<http://www.beuc.eu/press-media/news-events/why-eu-needs-improve-its-product-safety-law>

## EVENTS

- **Webinar: REACH Essentials**

*Source: Chemical Watch*

This online training course is designed to meet the needs of business regulatory and compliance managers tasked with delivering or overseeing the REACH registration requirements of their organisations. The course will provide a broad appreciation of the REACH requirements, and the tools necessary to ensure compliance and manage registration obligations.

The course is geared towards compliance managers, but not necessarily specialists, or those with extensive experience. As such, it covers the following aspects of the REACH process:

**More information:**

<https://events.chemicalwatch.com/148564/reach-essentials-3-18-november-2020>

- **Energy And Industry: How To Kickstart A Green, Industrial Revolution?**

*Source: European Chemical Industry Council*

Cefic and SolarPower Europe will share their visions about possible synergies between the industry and energy sector, for a win-win climate-neutral transition.

Access to abundant and affordable climate-neutral energy will be key to enabling electrification of industrial processes, switching to alternative feedstock and recirculating materials.

The European Commission expects that renewable electricity will play a pivotal role. This calls for measures to ramp up RES production and to build the necessary infrastructure to support the electrification of the economy and the transport of alternative forms of energy and feedstock, such as renewable

hydrogen. The role of innovation for industrial processes and the contribution of both decentralised energy systems and strategic partnerships with neighbouring regions with strong renewable energy potential should also be investigated.

The transition of energy-intensive industries, among which the chemical industry, is intrinsically linked to the transformation of the European energy sector: one cannot happen without the other.

**More information:**

<https://cefic.org/media-corner/event/online-eef-energy-and-industry-two-sides-of-the-same-coin-how-to-kickstart-a-green-industrial-revolution/>