

EU Monitoring Report

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CONTENTS

CHEMICALS	2
➤ Brexit	2
• <i>UK chemicals industry faces £1 billion bill to build post-Brexit database</i>	<i>2</i>
• <i>Pending registrations by UK companies will not be processed after the transition period</i>	<i>4</i>
➤ Endocrine disruptor	5
• <i>Parliamentary questions on Endocrine disruptors</i>	<i>5</i>
SUSTAINABILITY.....	7
➤ Construction.....	7
• <i>Parliamentary questions on Emissions of polychlorinated biphenyls (PCBs)</i>	<i>7</i>
➤ Circular Economy	9
• <i>E-waste in the EU: facts and figures (infographic).....</i>	<i>9</i>
• <i>Parliamentary question on Recycling of Waste Electrical and Electronic Equipment.....</i>	<i>9</i>
• <i>European Environment Council favours EU-wide right to repair and greater product durability</i>	<i>9</i>
➤ Water	10
• <i>Parliament seals historic first citizen-led EU law on tap water.....</i>	<i>10</i>
➤ Chlor.....	11
• <i>EuroChlor’s published its Mid-Century Strategy</i>	<i>11</i>

Chemicals

➤ Brexit

- UK chemicals industry faces £1 billion bill to build post-Brexit database

Source: [Euractiv](#)

The UK is facing a £1 billion bill to replicate the EU's chemical database after the government opted to leave the bloc's REACH system on 31 December.

As part of Brexit, the UK has decided to build up its own chemicals database, a process that will take years to complete.

Under the new UK REACH system, registration of chemical data will be staggered over a period of 6 years, starting on 28 October 2021.

But the duplication will require huge amounts of money from the chemicals industry, which already paid once for the creation of an existing database set up under the EU's regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

"Failure to secure access to what has been a decade's worth of investment by UK chemical businesses in data for EU REACH will leave the industry facing a bill of more than £1 billion in unnecessarily duplicating that work for a new UK regime," said Steve Elliott, chief executive of the Chemical Industries Association.

Building the new system may also require duplicating animal testing, paying for rights to use EU testing data and maintaining a database with less resources for a similar number of chemicals.

According to the Chemicals Business Association, UK firms do not own the testing data needed for registrations under UK REACH. Most of this is owned by European companies and UK firms may need to obtain permission and pay for the extension of the rights to this.

Without this, companies may have to repeat tests, which could involve duplicate animal testing.

"The system will impose considerable new costs on industry and the taxpayer, but in our view, will result in a system that's weaker and less protective than the EU's," said Chloe Alexander, Trade Campaigner at CHEM Trust, a charity based in the UK and Germany.

"It will have fewer staff, a smaller budget, even though it's not likely to have to regulate significantly fewer chemicals, will not have access to the full chemical safety data held by

ECHA and does not have an equivalent transparent structure to provide effective oversight and scrutiny,” she added.

End of data-sharing

Data-sharing between the UK and REACH has ceased, cutting Britain off from the most comprehensive chemicals database in the world. This loss is the biggest concern for UK companies, according to the UK Chemical Industries Association.

“If it just becomes too costly to comply, does it mean they decide to stop registering a percentage of their product portfolio in the UK?” wondered Nishma Patel, policy director at the Chemical Industry Association. “Or if they have a new product coming in and, for example, the cost is exactly the same under EU REACH and UK REACH, do they start choosing markets?”

Chemicals are covered in a short annex to the trade agreement between the UK and the EU, but the UK government’s original objective for data-sharing, which would have avoided resubmitting contracts and shifting data, has not been met.

Instead, the agreement provides for the same kind of cooperation that the EU has with countries like Canada and Japan, according to CHEM Trust. And although there is scope for deeper cooperation and exchanges in the future, nothing is confirmed as yet.

According to CHEM Trust’s initial assessment, the new UK system does not provide adequate protection to human health and the environment because of the lack of data-sharing with the EU.

“There is no justification for the UK to reduce protection of UK consumers and environment from hazardous chemicals. Beyond public and industry opinion, the trade agreement will also present problems for any attempt by the UK to become a new dirty man of Europe,” wrote Michael Warhurst, CHEM Trust’s executive director.

Environmental protection

On the bright side, the agreement does include a “non-regression” clause on environmental protection, meaning neither the UK nor the EU can weaken these requirements. Some UK ministers say they even want to go beyond current EU laws, as the UK chairs the G7 and looks ahead to the UN climate summit at the end of the year.

But when it comes to chemicals, duplicating the EU system will inevitably take time.

“That duplication of registration does put the regime on the backfoot and it doesn’t keep up with some of the pace that’s happening, whether it’s in the EU or whether it’s under any other REACH-like regime across the world,” said Patel.

There are also fears the UK will diverge from European standards and become the “dirty man of Europe” with unscrupulous manufacturers dumping products on the UK market that do not meet EU standards.

Lacking access to chemical safety data may make it difficult for the UK to identify and control hazardous chemicals and to defend these from legal challenges.

Chemicals trade without tariffs

Perhaps the only good news for the UK and EU chemical industry is that no tariffs or quotas will be applied on trading.

“We shouldn’t underestimate the huge value that this deal brings in terms of certainty for companies to operate in. Certainty that was most needed,” said Marco Mensink, Director General at CEFIC, the EU chemical industry lobby group.

As the UK’s biggest manufacturing exporter, with most products going to Europe, the chemicals industry supported remaining in the European Union during the 2016 referendum. Following the vote, it called for tariffs to be avoided.

However, divergence is a concern for the industry. While the non-regression clause means the UK cannot decrease its environmental protection or climate ambition, it is not bound to mirror the EU’s policy as the European Commission rolls out its new chemicals strategy.

“The UK will have to decide if it follows these new legal developments in the EU from the first day the new trade deal is in place. It is likely the two regulatory regimes will differentiate from the start, which is a concern to all of us,” said Mensink.

- Pending registrations by UK companies will not be processed after the transition period

Source: [ECHA](#)

All registration processes on dossiers submitted by UK companies will be terminated if they are not fully completed before the end of the transition period on 31 December 2020.

More information in the link above.

➤ **Endocrine disruptor**

- **Parliamentary questions on Endocrine disruptors**

Source: European Parliament

Parliamentary question by MEP H el ene Laporte (ID, France) on Endocrine disruptors:

In its new chemicals strategy, the Commission has undertaken to reduce overall exposure to endocrine disruptors, which pose several hazards to the environment and human health.

Endocrine disruptors are chemicals that are ubiquitous in our daily lives. They are found in anything from children’s products to cosmetics and hygiene products, pesticides, furniture, etc. These substances disrupt the hormonal system, having adverse effects on human and animal health.

The results achieved show that the European legal framework in this area is limited and that the rules need to be tightened up and simplified in order to ensure that endocrine disruptors are identified in a timely manner.

The health costs of exposure to endocrine disruptors in Europe currently stand at around EUR 163 billion per year.

1. What kind of binding measures does the Commission intend to put in place in the identification system established by the World Health Organisation (WHO)?
2. Does the Commission intend to classify any other chemicals as endocrine disruptors other than the 800 substances currently known to disrupt endocrine receptors, or suspected of doing so, according to the United Nations Environment Programme (UNEP) and the World Health Organisation (WHO)?

Answer by Environment Commissioner Sinkevi cius:

A main pillar of action in the recently adopted Chemicals Strategy for Sustainability(1) concerns endocrine disruptors, including improving the legislative framework with regard to endocrine disruptors.

The World Health Organisation (WHO) definition for endocrine disruptors is already accepted across experts and has been used as basis for the criteria for identifying substances with endocrine disrupting properties established in the context of the plant protection products and biocidal products Regulations.

The Commission will propose to include new hazard classes for endocrine disruptors in the regulation for Classification, Labelling and Packaging of Chemicals (CLP)(2) based on this

definition of the WHO. Such an approach will allow for a horizontal and legally binding hazard identification of endocrine disruptors.

After inclusion of these criteria in the CLP Regulation, Member States will have the possibility to propose harmonised classification for substances that they consider to have endocrine disrupting properties, as is currently possible for other hazards, for example for carcinogens and substances toxic for reproduction.

Parliamentary question by MEPs Sirpa Pietikäinen (PPE), Jutta Paulus (Verts/ALE), Sarah Wiener (Verts/ALE), Martin Hojsík (Renew) on Endocrine disrupting chemicals portal for EU citizens:

Exposure to endocrine disrupting chemicals (EDCs) has been associated with a variety of rare cancers (especially in children), impaired reproduction, osteoporosis, thyroid disease, metabolic illnesses, birth defects, neurodevelopmental disorders and numerous other diseases or impairments.

EU citizens are insufficiently informed about these serious health risks. A Eurobarometer survey from 2016 found that two out of three European citizens are concerned about exposure to chemicals in their daily lives. Less than half of the same group felt well-informed about the potential dangers of chemicals.

Although the Commission committed to the creation of a one-stop shop web portal to inform EU citizens about the risks of exposure to EDCs in its communication entitled 'Towards a comprehensive European Union framework on endocrine disruptors' (COM(2018)0734), this portal has still not been created despite continuous pressure from Parliament and Council to urgently do more in this area, and reduce the current high impact of EDCs on citizens' health and well-being.

1. Can the Commission provide an exact timeline for when the portal will be launched? What is the reason for the delay?
2. Can the Commission outline what it has done so far to encourage Member States to launch information campaigns at the national level on the risks of EDC exposure?

Awaiting an answer.

Sustainability

➤ Construction

- Parliamentary questions on Emissions of polychlorinated biphenyls (PCBs)

Source: European Parliament

Parliamentary question by MEPs Eleonora Evi (NI), Piernicola Pedicini (NI), Ignazio Corrao (NI) on Emissions of polychlorinated biphenyls (PCBs):

The AIA/2014 renewal permits maximum emissions of polychlorinated biphenyls (PCBs) from the cement plant in Fanna (Pordenone) of up to 0.5 mg/Nm³, as required by the Consolidated Environmental Act transposing Directive 2010/75/EU.

In 2013 the IARC classified PCBs in Group 1, i.e. certainly 'carcinogenic to humans'; they are also substances that are recognised as being endocrine disruptors, chemically stable and lipophilic.

In 2018, in the cement plant's stack, a PCB concentration of 60 nanograms/Nm³ was recorded, together with an average flue flow rate of 234 000 Nm³/h and an annual amount of PCBs of 110 g/year emitted into the air. In 2017 it was as much as 42 000 g/year.

According to the WHO (JECFA), the maximum tolerable dose of exposure to PCBs in humans is 70 picograms/kg body weight/month.

If we divide the 110 g/year emitted by the cement plant in 2018 by the number of people living in the area covered by the emissions (approximately 50 000), by the average weight of each person (70 kg) and by the maximum tolerable dose for humans (70 picograms/kg weight/month), we obtain a value that is 38 000 times higher than the maximum tolerable dose for humans.

Will the Commission lower the emission limit for PCBs?

(Our calculation = 1 picogram/Nm³)

Why does it consider the maximum pollution threshold to be only the concentration in the fumes emitted and not the mass of pollutant emitted from the stack over time?

Answer by Environment Commissioner Sinkevičius:

The Industrial Emissions Directive (IED)(1) provides minimum requirements for cement kilns co-incinerating waste. It does not set an emission limit value (ELV) for polychlorinated

biphenyls (PCBs) nor do the applicable conclusions on Best Available Techniques (CLM BATC)(2).

However, the IED sets an ELV for dioxins and furans of 0.1 ng PCDD/ F I-TEQ/Nm³. The CLM BATC set BAT Associated Emission Levels (AELs) for dioxins and furans of <0.05 — 0.1 ng PCDD/ F I-TEQ/Nm³.

The absence of such requirements for PCBs does not prevent the competent authorities from setting suitable levels in permits(3).

Cement plants releasing more than 0.1 kg PCBs/year (to air) must report to the European Pollutant Release and Transfer Register (E-PRTR)(4). The plant reported 995g of PCBs emitted to air in 2016 and did no report emissions for 2017(5).

The ongoing revision of the IED, in line with the European Green Deal Communication(6), will assess options to enhance the contribution of the directive to the EU's zero pollution ambition.

In addition, the next review of the CLM BATC will examine the key environmental issues for the sector for which BAT-associated emission levels (AELs) will be set, as well as the units in which these BAT-AELs will be expressed, which could be for example concentration combined with the mass of pollutant emitted over time.

(1) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), OJ L 334, 17.12.2010, p. 17-119 .

(2) 2013/163/EU: Commission Implementing Decision 2013/163/EU of 26 March 2013 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide (notified under document C(2013) 1728), OJ L 100, 9.4.2013, p. 1-45.

(3) Recital 10 and Article 14(4) of Directive 2010/75/EU.

(4) <https://prtr.eea.europa.eu/#/home>

(5) <https://prtr.eea.europa.eu/#/home>

(6) https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

➤ Circular Economy

- E-waste in the EU: facts and figures (infographic)

Source: [European Parliament](#)

E-waste is the fastest growing waste stream in the EU and less than 40% is recycled. Check out the facts and figures in infographics.

- Parliamentary question on Recycling of Waste Electrical and Electronic Equipment

Source: *European Parliament*

[Parliamentary question by MEP Dan-Ştefan Motreanu \(PPE\) on Recycling of Waste Electrical and Electronic Equipment:](#)

A recent report has shown that around half of Waste Electrical and Electronic Equipment (WEEE) plastics are not recycled in the EU, but rather shipped to third countries.

This situation arises mostly because almost 50 % of all electronics waste materials are not recyclable.

In the light of the new Circular Economy Action Plan, how does the Commission plan to keep WEEE materials in Europe, recycle them efficiently and enhance private investment in recycling across the EU?

- European Environment Council favours EU-wide right to repair and greater product durability

Source: [European Council](#)

The European Environment Council adopted its position on the European Commission's Circular Economy Action Plan.

The plan contains various measures to accelerate the transition to a more resource-efficient and circular economy in the EU. These measures include greater use of recyclates, a consumer right to repair for essential electrical and IT equipment and more stable and ecofriendly product design. In 2021, the European Commission will revise a number of legal provisions relevant for strengthening circular economy and take the Council's position into consideration in this process.

More information in the link above.

➤ Water

- Parliament seals historic first citizen-led EU law on tap water

Source: [Euractiv](#)

The European Parliament gave the final go-ahead to revised rules on Tuesday (15 December) that seek to update water quality parameters, in a bid to restore citizens' trust in what comes out of the tap.

The principle behind the updated directive on water for human consumption is simple: provide safe and affordable tap water to reduce the number of plastic bottles.

But the importance of the Drinking Water Directive (DWD) goes beyond just promoting tap water as a cheaper and cleaner option for the environment than bottled water or just updating the parameters – it was a direct response to the “Right2Water” citizens' initiative, signed by 1.6 million people.

The European Commission took into account the initiative in its proposal to tighten the ‘leaky’ rules in February 2018, also as a result of the ongoing Better Regulation drive (REFIT), which aims to streamline EU legislation and cut red tape.

The new rules provide measures to improve access to water for vulnerable groups and the general public and increase the level of information on water quality, making the “Right2Water” the first successful citizens initiative.

Access to readily available water will also be made easier, for instance serving tap water in restaurants and canteens for free or increasing the number of water fountains in public spaces.

MEP Christophe Hansen, the Parliament's lead negotiator on the file, explained to EURACTIV that the DWD was 20 years old and it was high time to update and tighten the threshold values for certain contaminants.

“We pushed hard to also take account of new pollutants such as microplastics and endocrine disruptors as they pose a real threat to human health,” said the Luxembourgish Christian-Democrat.

“All of this will increase trust in our drinking water. This can have a positive side effect: if we consume more tap water we can save money and protect our environment from plastic waste,” he concluded.

Member states given free rein on Legionella testing

Among the updated parameters, MEPs decided to extend Legionella bacteria monitoring to every potable water system in the EU as part of a new risk assessment analysis. It is currently compulsory only for hotels and public offices.

There are more than 60 known Legionella species; however, according to leading health bodies roughly 96% of Legionnaires' disease is caused by just one specific species, Legionella pneumophila, which causes a deadly form of pneumonia.

The inclusion of testing on all Legionella species in the DWD might lead to a large amount of work, time and financial expense for many end-users, in addition to delaying test results with immediate consequences to public health.

"Until epidemiology informs us that other species will cause a significant amount of infections, I think that looking for Legionella pneumophila only will be the right choice," explained Maria Luisa Ricci, an expert of Legionnaires' disease at the Italian National Institute of Health.

The reason behind scientists' opposition is that a broader approach would have put at the same level the harmless pathogens and the one causing the deadly form of the disease, creating a useless additional burden for testing centres.

"This costs a lot, not only in terms of money but also in terms of energy and time and I'm not a Legionella hunter," Professor Martin Exner, director of the Institute for Hygiene and Public Health at University Clinic Bonn, said at a recent EURACTIV event.

In Annex III of the new DWD, EU countries are provided with the option of using alternative Legionella pneumophila testing to achieve the DWD public health protection objectives and are also called upon to establish guidelines for sampling methods of legionella.

This compromise seems to hint that member states are left free to determine their approach to testing, but giving way to adopt more stringent and effective measures, such as testing Legionella pneumophila.

➤ Chlor

- EuroChlor's published its Mid-Century Strategy

Source: [EuroChlor](#)

To safeguard our industry in the coming years, Euro Chlor is proud to present it's strategy for 2050. It will ensure we remain safe, competitive and green.