



EU Monitoring Report

10–17 September 2020

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EUROPEAN CHEMICALS AGENCY

CLP

- **Webinar: closing in on the first compliance date for poison centres**

Source: European Chemicals Agency

ECHA's poison centre team is coordinating the work done internally at ECHA on all the IT tools, guidance and necessary support to assist stakeholders with their obligations. We work in close association with the European Commission to support both industry and Member States appointed bodies and their poison centres.

This webinar, taking place on 4 November 2020, gives you the latest information and updates, helps trouble shoot common IT problems, and presents the support material you need ahead of the upcoming compliance date.

We will cover new IT tool features resulting from changes in Annex VIII, and explain how to avoid common reasons for dossier failure. Our experts will be on standby to answer regulatory questions and to support you with any issues in preparing or submitting your notification.

The webinar will be published on our home page on 4 November at 11:00 Helsinki Time (EET, GMT +2) together with instructions for joining a live Q&A session where we will be answering your questions until 13:00 Helsinki Time.

More information:

<https://echa.europa.eu/fr/-/poison-centres-closing-in-on-the-first-compliance-date>

- **Consultation on harmonised classification and labelling**

Source: ECHA

ECHA is looking for comments on harmonised classification and labelling proposals for [sulphur dioxide](#) (EC 231-195-2, CAS 7446-09-5). The deadline for comments is 13 November 2020 at 23:59 Helsinki time (EET).

More information:

<https://echa.europa.eu/harmonised-classification-and-labelling-consultation>

BIOCIDES

- **43rd meeting of the Coordination Group**

Source: European Chemicals Agency

ECHA published a revised draft agenda for the 43rd meeting of the Coordination Group (CG-43). The agenda lists a session on Harmonisation of technical and procedural issues in relation to product authorization, including an item on Harmonisation of endpoints for the exposure assessment of peracetic acid (PAA), covering also hydrogen peroxide (HP).

More information:

<https://webgate.ec.europa.eu/s-circabc/d/d/workspace/SpacesStore/5129766d-101a-44b6-bf0c-8046dc39ec1e/CG-A-43-2020%20Revised%20draft%20agenda.pdf>

- **Meeting of the Efficacy Working Group of the Biocidal Products Committee**

Source: European Chemicals Agency

ECHA published the finalised minutes of the Efficacy Working Group which was held on 8 September 2020.

More information:

https://webgate.ec.europa.eu/s-circabc/d/d/workspace/SpacesStore/e9a21069-6f76-418f-82f6-af4dc9a5b571/WGII2020_EFF_minutes_final_public.pdf

- **ECHA updates suppliers list under BPR Article 95**

Source: European Chemicals Agency

The recently updated Article 95 list includes new entries that are relevant for the swimming pool sector. 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".

More information:

https://echa.europa.eu/documents/10162/27434452/art_95_list_en.pdf/c752c5ae-358c-e84b-652a-fb98106dfe8e

- **Chlorine dioxide on ECHA's list of notifications**

Source: European Chemicals Agency

ECHA published an update of the List of notifications prepared as of 15 September 2020. For swimming pool disinfection the combination of chlorine (Cl₂) and chlorine dioxide (ClO₂) can be applied. Chlorine dioxide is added to the water.

More information:

https://echa.europa.eu/documents/10162/27434452/list_of_notifications_en.pdf/0ad3b68a-1e01-304e-722d-f4a8457842c3

BREXIT

- **End of transition period approaching**

Source: ECHA

The transition period for the UK's withdrawal from the EU will end on 31 December 2020. Companies should check if they are affected by the withdrawal, and UK-based registrations and authorisations should be transferred to an EU Member State before the end of the transition period.

Until then, EU laws including regulations managed by ECHA, still apply to the UK. Downstream users in the EU/EEA should check the list of substances registered only by UK companies to see if they will be affected and need to take action before the end of the transition period.

Before the end of the transition period, we will update our advice to companies to include the impact of the Protocol on Northern Ireland.

More information:

<https://echa.europa.eu/fr/uk-withdrawal-from-the-eu>

REACH

- **Committees' opinion on application for authorisation available**

Source: ECHA

The consolidated opinion of the Committees for Risk Assessment and Socio-economic Analysis for the use of [Pitch, coal tar, high-temp.](#) (EC 266-028-2,

CAS 65996-93-2) and Anthracene oil (EC 292-602-7, CAS 90640-80-5) by Rain Carbon bvba is available on our website.

More information:

<https://echa.europa.eu/fr/applications-for-authorisation-previous-consultations>

EUROPEAN COMMISSION

WATER

- **Assessing the effects of water saving measures on Europe's water resources**

Source: European Commission

This report presents the freshwater quantity results obtained from a study on EU integrated policy assessment for the freshwater and marine environment (BLUE2). With the aim to reduce the already existing pressures on Europe's freshwater resources, EU Member States are planning and implementing various water saving measures, as for example described in the Programs of Measures under the Water

More information:

<https://op.europa.eu/en/publication-detail/-/publication/1e9c7b5b-f6fa-11ea-991b-01aa75ed71a1/language-en/format-PDF/source-156919948>

BIOCIDES

- **BPC Committee 89th meeting documents**

Source: European Commission

We informed you in the report covering 20–27 August 2020 of the upcoming BPC meeting. The EU Commission has now published the 33 discussion documents submitted ahead of the meeting, which includes the following points:

- Draft delegated act to include citric acid into Annex I to the BPR
- Covid-19 survey on the need of disinfectants

- Addressing the need of disinfectants: Active chlorine released from hypochlorous acid and active chlorine generated from sodium chloride by electrolysis
- Article 55(1) permits for disinfectants
- Non-active substances containing in biocidal products having indications for ED properties
- Change of classification of active substances and the consequences on biocidal product procedures
- Simplified procedure for products containing active substances newly included into Annex I
- Status of an active substance generating disinfection by products identified as an endocrine disruptor
- Early review of iodine, PVP iodine and zineb
- Brexit related points

More information:

https://circabc.europa.eu/ui/group/e947a950-8032-4df9-a3f0-f61eefd3d81b/library/6b3d20fe-d229-46c4-a896-a3c17225a479?p=1&n=50&sort=modified_DESC

ENERGY LABELLING

- **EU Commission publishes new labelling rules for displays**

Source: European Commission

The European Commission has published a new regulatory measure on energy labelling of displays and televisions (Review of Comm Del Reg [EU] No 1062/2010). The delegated Regulation aims at pulling the market towards more efficient electronic displays, televisions, computer monitors and digital photo frames beyond the minimum values laid down in the Ecodesign measure.

More information:

<https://webgate.ec.europa.eu/regdel/#/delegatedActs/982>

- **Review of energy labelling requirements for lighting products**

Source: European Commission

The Regulation sets labelling requirements for lighting products on a scale from A (most efficient) to G (least efficient), helping consumers to choose the most energy efficient appliances. The energy labels will also provide other important information such as the energy consumption.

More information:

<https://webgate.ec.europa.eu/regdel/#/delegatedActs/921>

REACH & CLP

- **Draft agenda 36th meeting CARACAL, CLP Delegated acts**

Source: European Commission

The European Commission published the draft agenda for the 36th Meeting of the CAs for the REACH and CLP Regulations (CARACAL).

More information:

<https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/ad588459-f475-4674-9cf0-70fd883036e1/details>

EUROPEAN PARLIAMENT

CIRCULAR ECONOMY

- **Parliamentary questions on New circular economy action plan**

Source: European Parliament

Member of European Parliament Beata Mazurek (ECR) submitted written questions to the European Commission on the New circular economy action plan:

1. Will the condition of the Member States' economies after the COVID-19 pandemic has abated or been halted be taken into account before making changes?

2. What measures does the Commission intend to take to support the development of the repair and maintenance services sector in parallel with the obligation to manufacture repairable products?

3. Is the Commission planning to introduce provisions to rule out the marketing of imported products that may pose unacceptable risks to health and the environment?

More information:

https://www.europarl.europa.eu/doceo/document/P-9-2020-004947_EN.html

PRODUCTS

- **Draft report on implementation of Construction Products regulation**

Source: European Parliament

On 18 March 2020, the Rapporteur was given the task of drafting a report on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products in response to the Commission's plans to revise the Construction Products Regulation (CPR). Since his appointment, the Rapporteur has gathered information and based his research. The information is detailed in the draft report.

More information:

https://www.europarl.europa.eu/doceo/document/IMCO-PR-655860_EN.pdf

STAKEHOLDERS

WATER

- **EurEau reacts to new implementation report on Urban Water Treatment Directive**

Source: EurEau

The 10th Commission Report on the implementation of the Urban Waste Treatment Directive (91/271/EEC) has been adopted by the European Commission today. EurEau, the lobby group representing European water operators, published its comments.

<http://www.eureau.org/resources/news/473-reaction-commission-report-on-the-implementation-of-the-uwvtd>

SUSTAINABILITY

- **A Window Of Opportunity: Making The Economic Recovery Plan A Driver For Competitive Sustainability Of The Chemical Industry**

Source: Cefic

The European Chemical Industry welcomes the ambitious ‘Next Generation EU Economic Recovery Plan’ to kick-start our economy by focusing on “driving competitive sustainability”. National Recovery and Resilience Plans are now being laid to invest and allocate €750 billion of EU ‘Green Recovery’ funding.

The chemical industry will provide the products that will enable European society to transform, while also transforming its own production processes. Our priority is therefore to ensure that we can achieve this while maintaining Europe’s production capacity and ensuring industrial competitiveness.

The Economic Recovery Plan needs to be accompanied by implementation and extension of the EU Industrial Strategy and embedding it firmly in the Green Deal agenda. This will ensure that the recovery funding achieves an industrial transformation that will be sustainable and contributes to a resilient economy over time.

More information:

<https://cefic.org/media-corner/newsroom/a-window-of-opportunity-making-the-economic-recovery-plan-a-driver-for-competitive-sustainability-of-the-chemical-industry/>

CHLORINE INDUSTRY

- **Euro Chlor releases mid-century strategy**

Source: EuroChlor

Euro Chlor has just released its “*Mid-Century Strategy for a Sustainable Chlor-Alkali Industry (MCS)*” that defines what the sector aims to look like by 2050, as well as the direction planned to ensure that this safe, competitive and green European chlor-alkali industry will be here for the benefit of Europe in 2050.

The work started in the run up to Euro Chlor's third 10-year Sustainability Programme (2021-2030), builds on the [Cefic Mid-Century Vision \(MCV\)](#) and addresses some future needs of European society in the context of the EU Green Deal. Consultant Roland Berger performed a detailed analysis of industry trends, the development of possible future scenarios and organised interviews with relevant stakeholders. The outcome was Euro Chlor's inspiring new vision "*Towards a safe, competitive and green European chlor-alkali industry*" and mission "*to be a safe and competitive supplier of chlor-alkali products and an integral part of Europe's climate neutral and circular economy transition*".

In addition to a new vision and mission, the MCS defines key priority elements that Euro Chlor members will work on in the coming decades. The association aims to keep safety as its main priority, continuing to measure Lost Time Injuries (LTI) incidents and process incidents with a continuous aim for zero, as well as stepping up its focus on safe transportation of their products. At the same time, Euro Chlor plans to contribute to Europe's climate neutral ambitions by further focusing on its drive for energy efficiency and more closely investigating its carbon footprint. This includes determining the chlor-alkali industry's role in a more electrified and greener future and striving for 100% hydrogen utilisation. These elements will also help keep the European chlor-alkali industry competitive. In addition, the association intends to better close the loop in its own production processes and work together with downstream users to increase circularity in the downstream chlorine value chain.

Originally planned at Euro Chlor's Technology Conference last May, the launch of the MCS was postponed to the Association's Annual General Meeting on 11 September 2020 due to COVID-19. The Technology Conference www.eurochlor2021.org will now be held on 4-6 May 2021 and give an update on the MCS progress. More information can be found at www.eurochlor.org/mcs, which will be updated with progress.

- EuroChlor also [published a video](#) with its mid-century strategy.
- EuroChlor also [appointed its new chairman](#): Wouter Bleukx from Inovyn.

More information:

<https://www.eurochlor.org/news/euro-chlor-launches-its-mid-century-strategy/>

MICROPLASTICS

- **ECHA: Tougher EU microplastics ban possible by targeting raw materials**

Source: ChemicalWatch

Following NGO criticism that Echa's proposed EU ban on microplastics does not go far enough, the agency has suggested a way forward to bring nanomaterials included in raw materials at sizes smaller than 100 nanometers (nm) under the scope of the restriction.

A senior Echa official said it may be possible to ensure nanoscale plastics are covered if there was greater emphasis on raw materials in the supply chain. And this way industry would be discouraged from substituting to smaller particles to sidestep the REACH restriction.

The European Environmental Bureau (EEB) [rebuked](#) the agency earlier this month, accusing it of pandering to industry over a proposal to increase the lower size limit of particles included in the restriction from 1nm to 100nm. This removed nanoparticles from the scope of the proposed ban.

In an interview with Chemical Watch, Echa senior scientific officer Peter Simpson said a lack of analytical methods to detect nanoparticles in complex mixtures meant that a limit below 100nm would be at risk of failing the enforceability criteria set out in REACH Annex XV. This requires that restrictions are enforceable before they are adopted.

But the conditions of the restriction could be tweaked to ensure that particles smaller than 100nm are not added as ingredients higher up the supply chain, where formulators are more able to characterise them because they know what is in their products, Mr Simpson said.

There needs to be further consideration of this and how formulators can be held responsible for any intentionally added nanoparticles, he said.

The decision on the final restriction ultimately rests with the European Commission and EU member states when they review Echa's proposal, together with the [opinions](#) of the risk assessment (Rac) and socio-economic analysis (Seac) committees from early next year.

Enforceability

"I think we will eventually see a compromise between analytical-based enforcement and paper-based enforcement, and enforcement of raw materials versus enforcement of final products," Mr Simpson said.

Echa became aware of this "tricky issue" late in the process with Seac the only remaining stage where it could be considered. A background document, which details the revised proposal after taking into account [consultation](#) comments, only says raw materials containing microplastics smaller than 100nm, where these can be reliably characterised, should not be intentionally added to products.

The agency is now exploring with Seac, whose final Opinion is due at the end of the year, whether a restriction that "more explicitly recognises" the difference in analytical challenge between final products and raw materials could be more effective.

This would communicate to industry that even if particles smaller than 100nm cannot be detected in final products, they cannot be added to them during formulation.

The ban on intentionally added microplastics of up to 5mm, if adopted by the Commission, is expected to enter into force in 2022, with a transition period of up to eight years proposed for some products. Echa has suggested a five-year review period to take into account scientific developments that might help reduce the lower limit.

Echa had initially foreseen a lower limit of 1nm for the restriction on the basis that this was already established in the EU nanomaterial definition. It then revised it to 100nm "in the short term" after it became aware that identifying the physical state of a particle with nanoscale dimensions in complex mixtures was "analytically challenging, if not impossible".

Mr Simpson explained this further: "Even if you could detect a polymer, it is not always possible to say they are present as a particle, and incredibly difficult to be able to determine that the particle is solid."

He added: "Unless you can do that sufficiently and can prove it in a court, it becomes difficult to enforce." And as there is no transitional period for abrasive uses – so-called microbeads – the restriction needs to be implementable on day one. He also countered the EEB's [criticism](#) that industry positions had been

"copied" into the text of the proposal, stressing that many industry stakeholders had been pushing for a 1,000nm lower limit. "So it's pretty clear that we haven't pandered to industry requests for a higher limit."

The EEB, however, remains concerned that a temporary lower size limit would amount to an exemption for nanoparticles. This could encourage innovation on the wrong path of nanoplastics instead of stimulating the development of analytical methods, it says.

Challenge with analytics

Cefic told Chemical Watch it will take several years to develop the right analytics for all products and articles targeted with the restriction. Issues with measuring nanoparticles already appear at 1 micron size (1,000nm), it says.

Echa's five-year revision clause will allow the consideration of any developments achieved in the future and the text could be modified accordingly, Cefic adds. It echoes Mr Simpson's view that the current scope is subject to change when it is formalised in a legislative proposal.

Martin Wagner, a biology professor at the Norwegian University of Science and Technology (NTNU) who specialises in the characterisation of small plastic particles, agreed the new methodologies would take "years if not decades" to develop. In view of this, Echa's lower limit "makes sense", he added.

In its submission to Seac's consultation, Cefic called for a "stepwise process whereby we start by regulating the major sources of intentionally added microplastics first". These include cosmetics, sandblasting and artificial turf.

EVENTS

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

Source: Cefic

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 on 29 September 2020 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/>