

EU Monitoring Report

18 – 25 March 2021

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CHEMICALS

➤ REACH

- Publication of a support document for the 38th Meeting of Competent Authorities for REACH and CLP (CARACAL) (3 – 4 March 2021)

Source: [European Commission](#)

The European Commission published another document discussed during the last CARACAL Meeting. The document provides the REACH Committee and CARACAL with an update on the planning of CARACAL meetings, REACH Committee meetings, as well as the meetings of the CARACAL subgroups.

- Publication of an application file for approval of the active substance: Active chlorine generated from sodium chloride by electrolysis

Source: [ECHA](#)

Following the submission of an application by PuriCore Europe Limited subsidiary of Realm Therapeutics PLC and Aqualution Systems Ltd in 2007, the evaluating Competent Authority Slovak Republic submitted an assessment report and the conclusions of its evaluation to the Commission in 2010. In order to review the assessment report and the conclusions of the evaluating Competent Authority, the Agency organised consultations via the Technical Meeting and its Working Groups (last one held in June 2020).

The evaluation assessed environmental and human health consequences based on the use of the substance as a disinfectant for swimming pool water.

ECHA made public the original submission file from the UK-based company, available through the link above.

The latest assessment report on the active substance containing amendments and revisions from the Technical Meeting and its Working Groups can be found [HERE](#).

- Highlights from March RAC and SEAC meetings

Source: [ECHA](#)

The Committees for Risk Assessment (RAC) and for Socio-Economic Analysis (SEAC) held in March 2021 agreed and discussed on a wide range of topics. Among them are opinions on applications for authorisation and on harmonised classification and labelling. Both committees also took a first look at two applications for authorisation and two review reports, which were received by ECHA in November 2020.

Furthermore, RAC agreed to set up two further working groups for restrictions and harmonised classification and labelling to support the work in plenary.

Lastly, the committees agreed on the selection procedure for co-opting additional members to both committees for the next three years and on the competences required. The call for expressions of interest will be launched later in spring.

- **New proposals to harmonise classification and labelling**

Source: [ECHA](#)

Two proposals to harmonise classification and labelling have been submitted over the past days, one of them concerning peracetic acid.

You can find the latest updates on the registry of CLH intentions until outcome through the link above.

➤ **Biocides**

- **Publication of agreed documents during the 91st Meeting of Competent Authorities for the implementation of Regulation on biocidal products (10-11 March)**

Source: [European Commission](#)

Among the documents released to the public, relevant documents are:

- Categorisation of an active substance leading to a disinfection by-product considered as having endocrine-disrupting properties
- Categorisation of an active substance containing an impurity identified as an endocrine disruptor
- Approach on providing information in public documents on non-active substances with indications of endocrine-disrupting properties

The European Commission also published the ECHA proposal to bridge the endocrine disruptor assessment of biocidal non-active substances with REACH screening and assessment, discussed during this meeting. The document can be found [HERE](#).

- **Minutes of the Human Health Working Group of the Biocidal Products Committee (24-25 November 2020)**

Source: [ECHA](#)

During this meeting, relevant topics on the agenda addressed by the Working Group were:

- Discussion of active substances
- Discussion of Union authorisation applications (including for product family containing peracetic acid)

SUSTAINABILITY

➤ **EU Chemicals Strategy for Sustainability**

- **What Are The Industry Challenges For Developing A Sustainable Product Strategy?**

Source: [Cefic](#)

Cefic's Executive Director for Product Stewardship Sylvie Lemoine represented Cefic during the Chemical Watch Global Business Summit webinar. In a presentation, she addressed the challenges facing the Chemical Industry in designing a sustainable product strategy.

The main challenge she identified was "to make it work altogether" and at the same time "investing into the right technologies, considering climate neutrality, considering the Future Sustainable Products Initiative, considering the new Chemical Strategy for Sustainability, the Zero Pollution Action Plan, the need to become more circular and building on the opportunities that will be brought with the Industrial Strategy for Europe and the Recovery Plan post pandemic."

How is the chemical industry approaching the Chemicals Strategy for Sustainability?

Sylvie Lemoine noted that the changes needed to be made will be made fast and will be massive. She estimates that the Chemicals Strategy for Sustainability will require 60 changes to legislation. She pointed out that the Industry shares the same goals of the Commission in terms of health and environmental protection and boosting innovation and welcomed the holistic approach that combines the different elements needed. However, S. Lemoine noted that there must be a better balance of actions, as the proposal weighs heavily towards strong regulation versus the innovation needed. She also highlighted that the innovation pillar mentioned in the Strategy is very "vague" with little clarity on the priority programmes and how they will be funded.

How will innovation deliver investment, and will Europe remain competitive?

Sylvie Lemoine said: "If we want to maintain competitiveness, we need incentives, predictability. The decision makers need to have trust that this chemical strategy is a growth strategy." She also pointed out the need to "close the gaps" on enforcement and noted that raising standards in Europe but leaving holes at the borders will create free-riding situation from non-compliant products."

Essential Uses, Risk Management, New Hazard classes under CLP

On further challenges, Sylvie Lemoine highlighted important points including Essential Uses ("what qualifies as essential or non-essential?"), Risk Management ("What are the implications of moving away from a generic risk management approach?") and the new hazard classes under CLP and departing from UN-GHS ("We are going to face two systems which contradicts the commitment made by Europe to follow the UN GHS.")

Sustainability by Design

Finally, she noted that “if done well, this is a tremendous opportunity for designing the new chemistries of tomorrow” as well as “the trend setter for innovation.” Cefic supports an expansion of the scope of the Eco-design Directive to increase resource efficiency and circularity but warns against double-regulation. Instead, there needs to be coherence with REACH restrictions and/or product-specific legislation.

- **Chemicals Industry’s Key Role In Advancing the Green and Digital Twin Transition Recognised by Council Conclusions**

Source: [Cefic](#)

As mentioned in the previous EU Monitoring Report, the Council of the EU approved the Chemicals Strategy for Sustainability proposed by the European Commission. Here is the reaction of Cefic Director General Marco Mensink on the matter:

“The European chemical industry welcomes the Council’s Conclusions which recognize the chemicals industry’s critical role for advancing the green and digital twin transition in the development of a sustainable and competitive European industry

We support the Council’s recognition of the need for greater policy coherence, as it calls on the European Commission to exploit synergies across chemicals legislation and other policies. Now that both the Council and the European Parliament asked for a comprehensive strategy that consolidates all policies affecting chemical industry, the time is ripe to establish a forward-looking “Future Chemicals Deal” in Europe – a coherent enabling sectoral framework for the chemical industry across all areas of EU policy, from trade to innovation and product legislation. Such policy coherence is essential to attract the unprecedented levels of investments for the Green Deal needs, and to ensure these investments in innovative low-carbon and circular economy solutions can be made here in Europe.

We support the Council’s Conclusions that enforcement of the EU chemical legislation is necessary in order to achieve the objectives set out in the Chemicals Strategy for Sustainability. We have the strictest chemical legislation in the world here in the EU but it can only fully work to the benefit of people and environment if properly enforced.”

➤ **Safety**

- **Helsinki Chemicals Forum (27-28 March)**

Source: [Cefic](#)

Each year the HCF conference gathers speakers and participants from around the globe to Helsinki, Finland. The conference is engaging international authorities, politicians, industry leaders, NGOs, academics, the media and specialists interested in global chemical safety management. This year, the event will be held online.

You can find the programme of the event and register [HERE](#).

➤ Circular economy

- Providing the Tools To Measure The Success of the EU Green Deal

Source: [Cefic](#)

In this article, Cefic sums up the main takeaways of the Circular Transition Indicator Workshop, organized jointly with the World Business Council for Sustainable Development (WBCSD) on 22 March.

“Transitioning towards a Circular Economy is a common objective for all of us. Being able to measure it is an absolute necessity” said Ann Dierckx, Cefic’s Sustainability Director at the event.

“The only way this can happen, is if we all speak the same language” said Irene Martinetti of WBCSD. Most companies present indicated that they monitor their performance in terms of circularity transition, but do not necessarily report on this. Part of the reason is the lack of a harmonised tool that allows to measure performance not just within the industry, but also beyond.

“Circular economy cannot be a one company exercise,” continued Ms Martinetti. This is why the WBCSD has been working together with companies from over 15 industries, including the chemical sector, to develop the Circular Transition Indicators (CTIs) framework, a methodology to measure the company’s progress on circularity and encourage businesses to adopt innovative circular business models.

According to Hans Christian Eberl, Policy Officer at DG Research & Innovation, European Commission: “We need sustainability indicators to determine future investments, but need to agree on how to measure first”. CTI is an open-source framework supported by an online tool that helps companies structure data and calculate outcomes, generating reports which can inform stakeholders effortlessly. Sonja Haider of ChemSec stated “The methodology [of the tool] is transparent and can be understood by society. It can also be used across the value chain”.

Measuring circularity is only one of the ongoing developments. Cefic is currently working together with its members to identify Sustainability Development Indicators (SDIs) which can measure a company’s performance in the areas of:

- Creating a low carbon economy. In Green Deal terminology, this relates to going climate neutral and working towards clean reliable and affordable energy.
- Conserving resources and moving towards a Circular Economy. In Green Deal terminology, this responds to a zero pollution Europe and transitioning to a circular economy.
- Caring for people and planet. In terms of the EU green Deal this responds to a zero pollution Europe, preserving Europe’s natural capital, and leaving no one behind in the transition.

According to Luis Carretero Sánchez, Legal Officer at DG Environment, European Commission, monitoring performance is high on the EU policy agenda. From setting key performance indicators under the Chemicals Strategy for Sustainability, to developing the Zero Pollution and Circular Economy monitoring frameworks – there is a clear need for a robust measurement methodology and tools.

- **Webinar on Chemicals and Circular Economy (30 March)**

Source: [ChemSec](#)

This webinar organized by ChemSec will address the connection between chemicals, circular economy and corporate sustainability.

The webinar will take a deep focus on the textile and plastic packaging sectors but will also give an overview on chemicals in circular economy and concrete recommendations for companies in terms of chemicals and circularity.

The programme and registration are available through the link mentioned above.

- **Public consultation on Sustainable products initiative**

Source: [European Commission](#)

The Commission is gathering feedback on its Sustainable Products Initiative, which is one of the deliverables of the Circular Economy Action Plan.

This initiative, which will revise the Ecodesign Directive and propose additional legislative measures as appropriate, aims to make products placed on the EU market more sustainable.

Consumers, the environment and the climate will benefit from products that are more durable, reusable, repairable, recyclable, and energy-efficient. The initiative will also address the presence of harmful chemicals in products such as:

- electronics & ICT equipment
- furniture
- steel, cement & chemicals.

The feedback period is open until 9 June 2021.

➤ **Health**

- **After the authorisation ruling, Chemsec urges the EU Commission: Make the changes and stop repeating past mistakes**

Source: [ChemSec](#)

As mentioned in a former EU Monitoring Report (25 Feb – 11 March 2021) the European Court of Justice confirmed that the EU illegally allowed dangerous substances for sale in products when there were safer options.

As a reaction to this ruling, ClientEarth and ChemSec wrote to the Commissioner for Internal Market Thierry Breton. You can find the content of the letter below.

“Dear Commissioner Breton

You will know more than anyone the importance of transforming the chemical industry to achieve the European Green Deal’s goals, as the Commission recognised in the Chemicals Strategy for Sustainability. We, the undersigned NGOs follow REACH implementation closely and are writing to draw your attention to a recent judgment of the Court of Justice that makes it clear DG GROW has misinterpreted key parts of EU chemicals law – when to authorise the use of the most hazardous substances. The authorisation ruled illegal by the Court of Justice is not, unfortunately, a one-off mistake. It is the tip of the iceberg. This case is an illustration of the lenient policy the Commission has been applying in implementing the authorisation process of REACH, from the start. As DG GROW leads this work, we want to make sure you are aware of it, and we call for significant changes in the way authorisations for use of harmful chemicals are handled.

While we note that the Commission has learnt some lessons from this case since the judgment in first instance, by requesting new additional information (‘substitution plans’) to some applicants in ongoing cases, much more needs to be done to avoid replicating the mistakes of the past.

Under the REACH authorisation process, companies can apply for an authorisation to produce, import, sell or use substances of very high concern. These are the most hazardous groups of substances that exist: carcinogens, mutagens, reprotoxicants, and substances that are persistent, bioaccumulative, toxic and hormone disrupting, etc.

The REACH authorisation system is highly valuable since it has the potential to protect EU citizens and our environment from substances of very high concern as well as drive industry towards safe and sustainable chemistry – in line with the Chemical Strategy for Sustainability. Authorisation also puts the burden of proof on companies to show no suitable alternatives are available and that the societal benefits outweigh the risks. A report from ECHA recently confirmed the authorisation requirement has positive effects on our health and the environment and has advanced substitution of harmful chemicals.

Unfortunately, the authorisation process has not delivered its full potential, mostly because DG GROW has led this work in violation of REACH for the last 10 years. The symptoms of a structural issue can be seen in Parliamentary resolutions against 6 authorisations, as well as in the decision by Sweden and several NGOs including ChemSec, ClientEarth and EEB to take the Commission to Court in the hope of stopping this practice.

The Court has now confirmed what NGOs, the European Parliament and some Member States have been denouncing. This means the Commission needs to change its approach to respect the ruling of the Court. This will, in the longer run, mean a more efficient protection of EU citizens from harmful chemicals and a more effective signal to the industry to find substitutes for these substances of very high concern and to innovators to find safe and sustainable

alternatives. It will bring the EU closer to achieving the ambitions in the Chemical Strategy for Sustainability.

We hope with this letter to have alerted you to the need for a change in the approach to REACH authorisation. We also hope we have convinced you about how important an effective authorisation process is to delivering the Chemical Strategy for Sustainability.”

➤ **Batteries**

- **New Roadmap by Batteries Europe Identifies Solutions For Sustainable Sourcing and Recycling Of Li-Ion Batteries**

Source: [Cefic](#)

Special additives, coatings and binders as well composite materials developed by the chemical industry are widely used to make or improve the key elements of a battery to make it safer and more durable. Considering the important future that lies ahead for batteries, Cefic is engaged and provide input in several groups exploring opportunities at European level: the European Battery Alliance EBA250, the Batteries Europe Partnership Association BEPA, Batteries2030+, and the Batteries Europe ETIP. Working together with different stakeholders is essential to accelerate a globally competitive battery industry, driving innovation opportunities to boost a sustainable and circular European battery value chain.

As a member of the European Technology and Innovation Platform Batteries Europe, Cefic has contributed to the recently launched Raw Materials and Recycling Roadmap. The roadmap identifies the strengths and weaknesses of the EU in use and recycling of Li-ion batteries, and provides suggestions for sourcing, sustainability and traceability of both primary and secondary raw materials for the EU to be competitive in the Li-ion batteries market. Cefic has helped enhancing the aspects of sustainability and recyclability of the battery materials with a full life cycle perspective.

Advancing battery technology is among key priorities for the industry’s innovation agenda. Over the past years the industry has been building partnerships along the value chain to exchange ideas on how create sustainable, durable and recyclable batteries to respond to a growing demand in electric vehicles, electronics and energy storage.

In Finland for example, three chemical companies are joining forces to form a battery recycling cluster, serving the electric vehicle market. Components of old batteries are used for making new ones, and once those reach their end-of-life, the process starts anew. Progress is also being made in recycling battery cases.

➤ **Construction**

- **Event: Building a sustainable future – transitioning towards a circular and low-carbon construction sector (31 March)**

Source: [Euractiv](#)

The European Rental Association (ERA) hosts this event online, from 10:00 to 11:45 CET.

As the EU's Strategy on Sustainable Built Environment is expected to be published within the next months, the event will focus on the following topics:

- How can a circular, low-carbon construction sector contribute to Europe's green recovery?
- What are the low hanging fruit for lowering emissions in the sector?
- How can the sector encourage more circular practices?

The first panel, with MEP Pernille Weiss, Philippe Moseley (DG GROW) and Audrey Nugent (World Green Building Council), will address the policy aspects of construction as a priority sector for promoting circular principles and reducing emissions.

The second panel, with representatives from the construction sector and supply chain across Europe, including Sue Arundale (FIEC), Douglas McLuckie (Sunbelt Rentals), Michel Petitjean (ERA) and a construction equipment manufacturer, and moderated by Murray Pollock (KHL), will bring the industry perspective on transitioning towards a circular and low-carbon construction sector.

The event will also feature a video presentation of the ERA Equipment CO2 Calculator, an independent and free-to-use online tool to enable equipment stakeholders to make more sustainable choices when using construction equipment.

Registration is open [HERE](#).

- **Commission Decision of 16 March 2021 establishing the EU Ecolabel criteria for hard covering products**

Source: [European Commission](#)

This decision defines the types of hard covering products and the criteria to be met in order to get an EU Ecolabel.

The EU Ecolabel criteria target the best hard covering products on the market, in terms of environmental performance. The criteria focus on the main environmental impacts associated with the life cycle of these products and promote circular economy aspects.

Among other criteria, the presence of restricted substances (SVHCs, substances classified under the CLP Regulation) will be evaluated.

➤ **Energy Efficiency**

- **Workshops in preparation of the revision of the Energy Performance of Buildings Directive (31 March and 15 April)**

Source: [European Commission](#)

As part of the European Green Deal, the Commission adopted on 14 October 2020 a strategic Communication “Renovation Wave for Europe – greening our buildings, creating jobs, improving lives”.

The communication contains an action plan with specific regulatory, financing and enabling measures for the years to come and pursues the aim to at least double the annual energy renovation rate of buildings by 2030 and to foster deep renovations. This goal requires a revision of the Energy Performance of Buildings Directive. The revision will focus on provisions that are central to boosting building renovation.

The Commission gathered the public’s view on the Inception Impact Assessment of the EPBD (22 February – 22 March) and will shortly launch a public consultation on the revision of the directive.

In addition, the Commission will launch a series of 5 workshops aiming to obtain stakeholders input to the preparation of the revision.

Two workshops are already scheduled:

- **Workshop 1: Setting a vision for buildings and a decarbonized buildings stock (31 March)**

Draft agenda will follow shortly. Registration is open [HERE](#).

- **Workshop 2: Minimum energy performance standards for existing buildings (15 April)**

Draft agenda and registration will follow shortly. More information can be found [HERE](#).

This is the first of the workshops and it will focus on setting a vision for buildings and a decarbonised building stock. The draft agenda will follow shortly.

- **Power & Heat Boost webinar - Decarbonising Buildings: The Role of Hydrogen**

Source: [Euractiv](#)

As the EU Green Deal prioritises the decarbonisation of buildings and construction sector, hydrogen use to heat and power buildings is now a hotly debated topic.

This Power & Heat Boost webinar organised by COGEN Europe will explore the role of hydrogen, as well as other renewable and decarbonised gases, to support the decarbonisation of buildings. Fostering the use of hydrogen with cogeneration for efficient heat and flexible power supply will be showcased. Pros and cons of hydrogen use in buildings will also be debated.

You can find more information on the agenda and register [HERE](#).