

# EU Monitoring Report

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28 January – 04 February 2021

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## CHEMICALS

### ➤ REACH

- Draft Agenda 73rd meeting of the Member State Committee (9-11 February)

Source: [European Chemicals Agency](#)

Relevant point on the agenda are:

- Substance evaluation
- Dossier evaluation
- SVHC identification
- ECHA's recommendations of priority substances to be included in Annex XIV

### ➤ Biocides

- Draft agenda of the upcoming Meeting of the Biocidal Products Committee (BPC) (2– 5 March 2021)

Source: [European Chemicals Agency](#)

The Biocidal Products Committee (BPC) prepares the opinions of ECHA related to several BPR processes, such as applications for approval and renewal of active substances or identification of active substances which are candidates for substitution. The final decisions are taken by the European Commission.

The agenda meeting shows that the BPC will put to adoption draft opinions on Union authorisations for biocidal products (i.e., biocidal products family containing paracetic acid).

- Summary of decision of 24 November 2020 of ECHA Board of Appeal on active chlorine released from sodium hypochlorite

Source: [European Chemicals Agency](#)

ECHA Board of Appeal Decision about a rejected application to the Agency seeking to establish technical equivalence between its alternative source of active chlorine released from sodium hypochlorite and the reference source as defined in the Implementing Regulation.

- Draft agenda of upcoming ECHA Biocide Working Group meeting (15-25 March 2021)

Source: [European Chemicals Agency](#)

Discussion points include:

- Union Authorisations for product containing active chlorine released from chlorine
- Union Authorisations for product containing active chlorine released from sodium hypochlorite
- Resistance assessment guidance of biocidal antimicrobial active substances and products
- Technical Agreements for Biocides Environment on disinfectants used in private swimming pools

Source: [ECHA](#)

The Technical Agreements for Biocides (TAB) collects the general agreements of the Working Groups (WG) that are not yet included in any other BPR related guidance. These WG agreements are not the official view of ECHA, nor are they legally binding.

The relevant part says:

**“Can the default market share values which are used in several ESDs be refined? In which cases can we accept lower/other values than the indicated market share values in the ESDs?”**

The default market share value may be overruled and replaced by other values if the applicant can justify this by market data, providing historical data and including some projections in the future. The already agreed market share factors in several ESDs shall be used, from which justified deviation is possible. For the remaining product types a market share factor shall be agreed upon, where relevant. The following specific values for the market share were further agreed at WGIV-2015:

- For disinfectants used in private households (PT 1+2) as well as in private swimming pools (PT 2) (beside substances which mode of action is based on chlorine), the emission rate to water used for risk assessment entails a market share of disinfectant (Fpenetr). By default this factor is set at 0.5.”

## **“How to calculate releases from the use of biocides for the treatment of private (permanent) pools?”**

The following scenarios to assess the treatment of private swimming pools were developed by FR and discussed and endorsed at WG-I-2015: [http://echa.europa.eu/documents/10162/22002949/pt02\\_private\\_pool\\_scenarios\\_en.pdf](http://echa.europa.eu/documents/10162/22002949/pt02_private_pool_scenarios_en.pdf)

Further information on the default settings for the scenarios are provided in the following for information, reflecting the conclusions at WG-I-2015:

- Number of private pools connected to the same STP (Npool)
  - Tier 1: consider 550 pools (Southern Europe)
  - Tier 2: consider 100 pools (Northern Europe)
  - If the substance fails Tier 1, a statement would need to be provided in the CAR that for product authorisation in Southern European countries the assessment needs to be refined.
  - For Northern European countries, a value of 100 pools should be assumed (for product authorisation).
- Consider only releases via the STP (no direct release)
  - For the approval of active substances, it is acceptable to assess only the releases to municipal STP and consider application to permanent installed pools.
  - For product authorisation an assessment for aboveground small pools (including direct release) should be performed.
- Market share to be applied (Fmarket)
  - A market share of 0.5 should be used for AS (beside substances which mode of action is based on chlorine) as first tier. The same approach as provided in other ESD should be followed (the market penetration can be lowered based on market data from the applicant). Nevertheless, the refined number of treated pools must never be lower than 1 when specific market data are used.
- Acute scenario pool volume released to STP (Facut\_rel)
  - A value of 33% should be used in general for permanent pools (no differentiation is made between North and South Europe).
  - Time period for peak emission before overwintering (T<sub>acut\_emission</sub>).

- For the time period for peak emissions, a value of 60 days should be used. In the scenario however in order to simplify the calculations a value of 10 pools per day (for Southern countries) and 2 pools per day (for Northern countries) emitting during 60 days should be used.

At WG-IV-2016 it was further clarified that Facut\_rel and Fchro\_rel are fractions and therefore dimensionless, the unit should therefore be deleted.

*Type of entry:* a) Editorials/existing guidance

*Publication date:*

*Date of applicability for active substances:*

*Date of applicability for products:*

Entry published more than 2 years before the publication date of this TAB document, i. e. currently applicable for both active substances and products.”

#### **“Emission scenario for the disinfection of above ground small pools**

Above ground small pools can be described as private temporary (summer only) swimming pools. These pools are expected to be completely emptied at the end of the summer season and stored over the winter months. Therefore, the season of an above ground small pool is one summer, in accordance with ESD for PT 19 this corresponds to 91 days. Draining of the pool water occurs through a valve in the pool wall or a hose over the rim of the pool. Drainage water can be released to the STP, nearby surface water, or adjacent soil.

- STP: The emission pathway via STP is covered by the assessment for permanently installed private swimming pools described in the TAB, therefore a separate scenario for above ground small pools is not necessary. In case permanent pools are not relevant and only above ground small pools are assessed, the scenario for permanent pools (for peak emissions) should be used and the default pool volume should be adjusted to the volume for above ground small pools (i.e. 14 m<sup>3</sup>).
- Surface water: The direct emission of private temporary swimming pools to surface waters is likely to affect water bodies similar to the ‘edge of field’ water bodies described in FOCUS Surface Water[1]. Of the three water body types (pond, ditch and stream) defined in FOCUS Surface Water, a ditch is the most likely water body type to occur in the near vicinity of properties having private temporary swimming pools. The average discharge for a ditch (Flowditch) in FOCUS Surface Water is therefore 3.63 L/s. With a pool volume (V<sub>pool</sub>) of 14 m<sup>3</sup> and a drainage time (t<sub>drain</sub>) of 6 hours, the discharge from the pool (Effluent<sub>pool</sub>) is 0.65 L/s. The dilution and

local concentration of the pool water emitted to surface water is calculated based on equation 45 and 46 in the guidance BPR IV B v1.0 (2015):

[1] FOCUS Surface Water Scenarios in the EU Evaluation Process under 91/414/EEC, EC Document Reference SANCO/4802/2001-rev2

$$\text{Effluent}_{\text{pool}} = V_{\text{pool}} / t_{\text{drain}}$$

$$\text{DILUTION} = (\text{Effluent}_{\text{pool}} + \text{Flow}_{\text{ditch}}) / \text{Effluent}_{\text{pool}} = 6.6$$

$$C_{\text{local water}} = A_{\text{appl}} / ((1 + K_{\text{Psusp}} * \text{SUSP}_{\text{water}} * 10^{-6}) * \text{DILUTION})$$

- Soil: The direct emission of private temporary swimming pools (14 m<sup>3</sup>) to soil depends on the drainage time and the soils infiltration rate. Depending on the size of the valve or diameter of the hose, the time needed to drain the pool ranges from several hours to a day. For emission estimations, a drainage time (t<sub>drain</sub>) of 6 hours as typical is considered. It is assumed that the exposed soils are fairly permeable, corresponding to a maximum infiltration rate (fd) of 1 m.d-1 (FAO, 1985, Irrigation Water Management: Training manual – Introduction to Irrigation, <http://www.fao.org/docrep/r4082e/r4082e03.htm>). The soil area exposed to the pool's drainage water is estimated according to the following equation:

$$\text{AREA}_{\text{soil}} = \frac{V_{\text{pool}}}{f_d * t_{\text{drain}}}$$

where AREAsoil [m<sup>2</sup>] is the soil area exposed, Vpool [m<sup>3</sup>] is the pool volume, fd [m.d-1] is the infiltration capacity of the soil, t<sub>drain</sub> [d] is the time needed to drain the pool. For determining the local emission to soil of a.s. in biocidal products used in above ground small pools as part of PT 2, as a first step for environmental exposure assessment, the scenario is described in the following table.

- Emissions scenario:

| Variable/parameter   | Symbol         | Default | Unit              | Origin        |
|--|----------------|---------|-------------------|---------------|
| Private pool volume  | $V_{pool}$     | 14      | m <sup>3</sup>    | D*)           |
| Soil area exposed  | $AREA_{soil}$  | 56      | m <sup>2</sup>    | D (see above) |
| Soil depth   | $depth_{soil}$ | 0.5     | m                 | D             |
| Bulk density of soil   | $RHO_{soil}$   | 1700    | kg/m <sup>3</sup> | D             |
| Application rate of a.s. in the pool water   | $A_{appl}$     |         | mg/L              | S             |
| Number of b.p. applications for one pool in the emission period  | $N_{appl}$     | 1       |                   | D/S           |
| <b>Output</b>  |                |         |                   |               |
| Quantity of a.s. in pool water   | $Q_{pool}$     |         | kg                |               |
| Concentration of a.s. in exposed soil  | $C_{soil}$     |         | mg/kg             |               |
| <b>Calculation</b>   |                |         |                   |               |
| $Q_{pool} = (A_{appl} \times V_{pool}) / 1000$   |                |         |                   |               |
| $C_{soil} = (Q_{pool} \times N_{appl} \times 1,000,000) / (AREA_{soil} \times depth_{soil} \times RHO_{soil})$ |                |         |                   |               |

\*) Common pool volume is between 7 to 14 m<sup>3</sup> (according to investigation in DIY stores). Furthermore, in the discussion table – Summary of the e-consultation on scenarios to assess biocides as PT02 for private pool treatment (Conclusions of the WG-ENV-I-2015), No. 4b. It is indicated: NL stated that inflated and metal frame pools have volumes of 10 to 14 m<sup>3</sup> and will probably completely drained.

Type of entry: a) Editorials/existing guidance

Publication date:

Date of applicability for active substances:

Date of applicability for products:

Entry published more than 2 years before the publication date of this TAB document, i. e. currently applicable for both active substances and products”

### “Public swimming pool scenario

For the emission estimation from public swimming pools (peak emission scenario provided below), with the default size as provided in the ESD (RIVM report 601450009, ESD for all 23 PTs, 2001), it was agreed that these are emptied over three days to the sewer system; i.e. only one third of the pool volume is released on one day.

**Emission scenario for chronic releases:**

| Variable/parameter (unit)   | Symbol                             | Value | Unit              | Origin |
|---|------------------------------------|-------|-------------------|--------|
| <b>Input</b>  |                                    |       |                   |        |
| Number of visitors per day  | Nvisit                             | 400   | -                 | D      |
| Concentration in swimming water                                       | C <sub>proc</sub>                  |       | kg/m <sup>3</sup> | S      |
| Water replaced per visitor  | Vrepl                              | 0.05  | m <sup>3</sup>    | D      |
| Emission period   | Ep                                 | 1     | d                 | D      |
| <b>Output</b>   |                                    |       |                   |        |
| Emission rate to wastewater (standard STP)                            | E <sub>local<sub>water</sub></sub> |       | kg/d              | O      |
| <b>Calculation</b>  |                                    |       |                   |        |
| $E_{local_{water}} = (N_{visit} \times V_{repl} \times C_{proc})/E_p$ |                                    |       |                   |        |



**Emission scenario for peak emissions:**

| Variable/parameter                         | Symbol                  | Value | Unit              | Origin |
|--|-------------------------|-------|-------------------|--------|
| <b>Input</b>                               |                         |       |                   |        |
| Water surface                              | AREA <sub>swim</sub>    | 440   | m <sup>2</sup>    | D      |
| Average depth of water                     | DEPTH <sub>swim</sub>   | 1.8   | m                 | D      |
| Fraction released to STP                   | F <sub>rel</sub>        | 1     | -                 | D      |
| Concentration in swimming water            | C <sub>proc</sub>       |       | kg/m <sup>3</sup> | S      |
| Emission period (emission in 3 days)       | Ep                      | 3     | d                 | D      |
| <b>Output</b>                              |                         |       |                   |        |
| Emission rate to wastewater (standard STP) | E <sub>localwater</sub> |       | kg/d              | O      |
| <b>Calculation</b>                         |                         |       |                   |        |

$$E_{\text{localwater}} = (\text{AREA}_{\text{swim}} \times \text{DEPTH}_{\text{swim}} \times C_{\text{proc}} * F_{\text{rel}}) / E_p$$

|  |                                     |
|--|-------------------------------------|
| Type of entry:                               | b) Clarifications/existing guidance |
| Publication date:                            | 29/08/2018                          |
| Date of applicability for active substances: | 29/08/2018                          |
| Date of applicability for products:          | 29/08/2018                          |

➤ **SVHC**

- Roadmap to address substances of very high concern complete

Source: [European Chemicals Agency](#)

The goal of the SVHC Roadmap was to identify all relevant, currently known substances of very high concern (SVHCs) and include them on the Candidate List by 2020. The Candidate List now contains 211 substances.

The roadmap also aimed to efficiently identify new chemicals of concern. By the end of 2020, Member States had carried out regulatory management option analysis (RMOA) on



around 220 chemicals of potential concern and identified a need for further regulatory action for about 80 % of them.

The updated Candidate List can be found [here](#).

## SUSTAINABILITY

### ➤ Batteries

- EU wants stricter regulation for sustainable use of batteries

Source: [ETUI](#)

On December 10th the European Commission launched its Sustainable batteries proposal, its first initiative within the Circular Economy Action Plan. The proposal aims to ensure that the increasing demand for batteries in Europe is met with green products with lower emissions and produced using recycled materials, boosting circularity and reducing pollution.

New sustainable battery standards set by the EU will also have a significant industrial policy effect. By creating mandatory requirements for batteries, the Commission hopes that European companies can gain an edge on the global market. As batteries represent a significant share in the value of electric cars, this regulation may also significantly affect the automobile industry and serve the objective of strategic autonomy, a key pillar of which is the objective to disseminate the EU standards. At the same time, this proposal is a good demonstrative case for a challenge for policy-making to strike a balance between climate and environmental objectives on the one hand and national/regional economic interests

The proposed regulation suggests mandatory requirements on labelling, maximum carbon footprint, recycled content, value chain due diligence, third party access to battery information and higher recycling efficiency and collection targets. By addressing end-of-life management criteria, the regulation extends producer responsibility, sets collection targets and obligations such as targets for recycling efficiencies and levels of recovered materials. The proposal contains provisions on mandatory green public procurement.

A key element of the proposal – decisive also from an industrial policy point of view – is the assessment of the carbon footprint that takes carbon emissions for individual batteries, produced in specific plants, into account with view also to the battery's expected lifetime.

This proposal is setting unparalleled sustainability standards for batteries globally, which is a great achievement in itself. But can it also help Europe win the `battery arms race` or improve its position in a critical market segment where others control the value chain?

Read the full article through the link above.

- Sefcovic hails milestone for EU Battery Alliance

Source: [New Europe](#)

A second Important Project of Common European Interest (IPCEI) to support research and innovation in the battery value chain complies with EU state aid rules, the European

Commission said on January 26. The project, called European Battery Innovation was jointly prepared and notified by Austria, Belgium, Croatia, Finland, France, Germany, Greece, Italy, Poland, Slovakia, Spain and Sweden.

The twelve Member States will provide up to €2.9 billion in funding in the coming years. The public funding is expected to unlock an additional €9 billion in private investments, i.e. more than three times the public support. The project complements the first IPCEI in the battery value chain that the Commission approved in December 2019.

Read the full article through the link above.

### ➤ **Financing**

- EU green finance advisors asked to clarify ‘transition’ to net-zero climate goal

Source: [Euractiv](#)

The European Commission has asked advisors to rework the EU’s green finance taxonomy rules after member states rejected draft implementing guidelines, unhappy about the exclusion of gas as a “transition” activity towards net-zero emissions.

You can access the article through the link above.

### ➤ **Consumers**

- Screening of websites for ‘greenwashing’: half of green claims lack evidence

Source: [European Commission](#)

For the first time as part of a yearly exercise of screening of websites, the European Commission and national consumer authorities focused on ‘greenwashing’, the practice by which companies claim they are doing more for the environment than they actually are.

The results show that among the examined 344 seemingly dubious claims:

- In more than half of the cases, the trader did not provide sufficient information for consumers to judge the claim's accuracy.
- In 37% of cases, the claim included vague and general statements such as “conscious”, “eco-friendly”, “sustainable” which aimed to convey the unsubstantiated impression to consumers that a product had no negative impact on the environment.
- Moreover, in 59% of cases the trader had not provided easily accessible evidence to support its claim.

National authorities will contact the companies concerned to point out the issues detected and to ensure that these are rectified where necessary.

➤ **Circular Economy**

- Ongoing discussion in the EU Parliament about the Construction Products Regulation

Source: [European Parliament](#)

On January 28<sup>th</sup>, the Members of the European Parliament's Committee on the Internal Market and Consumer Protection (IMCO) adopted a report on the implementation of Regulation (EU) No 305/2011 laying down harmonised conditions for the marketing of construction products (the Construction Products Regulation).

This report states that:

“The rapporteur welcomes the Commission's objective to make the construction sector more sustainable by addressing the sustainability performance of construction products in the revision of the Construction Products Regulation, as announced in the Circular Economy Action Plan. Nevertheless, the inclusion of the objectives of sustainable development into the new /revised Construction Products Regulation should not lead to an increase in the prices of construction products. It should be assessed how sustainability criteria could be addressed in the possible review of the Construction Products Regulation.”

This report has to be voted in the Plenary session of the EU Parliament.

- Answer to Parliamentary questions on plastic waste from waste electronic and electrical equipment

Source: *European Parliament*

[Parliamentary question by MEP Dan-Ștefan Motreanu \(PPE\) on Collection and sorting of plastic waste from waste electronic and electrical equipment:](#)

According to a recent report(1), approximately 50 % of plastic generated from waste electronic and electrical equipment (WEEE) is not properly collected or sorted in the EU, mostly because of the ineffective collection schemes in place and the difficulties in dealing with the harmful chemical substances they may contain.

How does the Commission plan to improve the collection and sorting of plastic waste generated from WEEE across Member States

(1) Courtois, J., Haarman, A. and Magalini, F. (2020) Study on the Impacts of Brominated Flame Retardants on the Recycling of WEEE plastics in Europe. SOFIES. <https://www.bsef.com/wp-content/uploads/2020/11/Study-on-the-impact-of-Brominated-Flame-Retardants-BFRs-on-WEEE-plastics-recycling-by-Sofies-Nov-2020.pdf>

[Answer by Environment Commissioner Sinkevičius:](#)

The Circular Economy Action Plan(1) (CEAP) has placed particular attention on resource-intensive sectors such as electronics and plastics. Under the CEAP, the upcoming Sustainable Product Policy will consider, inter alia, options for digital product passports which could provide information on a product's origin, composition, repair and dismantling possibilities, and end of life handling and which could improve conditions for the collection and sorting of plastics in electronics.

Furthermore, the directive on Waste Electrical and Electronic Equipment (WEEE)(2) sets targets for the separate collection and recycling of WEEE. The Commission works closely with Member States to support the implementation of the collection and recovery targets by encouraging the collection of WEEE through official routes and assessing the benefits of take-back schemes to incentivise WEEE collection.

The Commission has also focused on improving the conditions for the treatment of WEEE by mandating the development of standards(3) and by assessing options for establishing additional minimum requirements for the treatment of WEEE. These efforts, along with amendments to the Persistent Organic Pollutants Regulation(4), address specifically issues related to the sorting and treatment of plastics containing brominated flame-retardants.

Extended producer responsibility schemes and voluntary cooperation across the value chain, such as the establishment of the Circular Plastic Alliance, are additional instruments used by the Commission to further improve the collection and sorting of plastic waste in WEEE

(1) [https://ec.europa.eu/environment/circular-economy/pdf/new\\_circular\\_economy\\_action\\_plan.pdf](https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf)

(2) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment, OJ L 197, 24.7.2012, p. 38-71.

(3) [https://ec.europa.eu/environment/waste/weee/standards\\_en.htm](https://ec.europa.eu/environment/waste/weee/standards_en.htm)

(4) Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants, OJ L 169, 25.6.2019, p. 45-77.

- **MEPs call for binding 2030 targets for materials use and consumption footprint**

Source: [New Europe](#)

Lawmakers in the European Parliament's Committee on Environment, Public Health and Food Safety (ENVI) on Wednesday adopted the report on the new EU Circular Economy Action Plan with 66 votes in favor, 6 against, and 7 abstentions.

The key objective of the plan, which is one of the main blocks of the European Green Deal, is to transform the current "take-make-dispose" economy into a circular economy, which

would mainly consist of preventing waste and cutting down energy and resource use. Products should be made in a way that reduces waste, pollution, and harmful substances, while still protecting human health.

MEPs called for science-based binding 2030 EU targets for materials use and consumption footprint that would cover the lifecycles of all product categories existing on the EU market.

The parliament's Environment Committee is also demanding that the Commission proposes product-specific and/or sector-specific binding targets for recycled content. Following this request, MEPs insist that new legislation should be put in place in 2021 to broaden the scope of the Ecodesign Directive to include non-energy-related products. These new directives would be implemented in the hopes of setting new horizontal sustainability principles and product-specific standards.

"The transition to a circular economy is an economic opportunity for Europe that we should embrace," said the Dutch Rapporteur from Renew Europe group, Jan Huitema. He added that shaping a waste-free society "will create jobs and economic growth and bring us closer to reaching our climate goals: It's a win-win."

The vote for the report will be held during the February plenary sitting.

Access the report [here](#)