

# EU Monitoring Report

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10 - 19 December 2020

## CONTENTS

|   |          |
|---|----------|
| <b>CHEMICALS .....</b>  | <b>3</b> |
| ➤ <b>REACH .....</b>  | <b>3</b> |
| • Meeting of CARACAL Sub-Group on Polymers (16 December 2020).....  | 3        |
| • Agenda REACH meeting (14 December 2020) .....   | 3        |
| • Agenda Standing Committee on Biocidal Products (10 December 2020).....                                      | 3        |
| • Non-objection to an implementing measure on 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated.....            | 3        |
| • Comment eight substitution plans for authorisation applications .....                                       | 4        |
| • Commission delegated regulation setting a limit value for pentachlorophenol and its salts and esters .....  | 4        |
| • Call for evidence extended: restriction of bisphenol A.....   | 5        |
| • New substance evaluation conclusions published .....  | 5        |
| ➤ <b>Biocides .....</b>   | <b>5</b> |
| • Swimming pools mentioned in the preparatory work for guidance on bees and other arthropod pollinators ..... | 5        |
| • Article 95 update for biocidal products.....  | 6        |
| • Report of the first harmonised enforcement project on treated articles.....                                 | 7        |
| • One-third of products claimed to be treated with biocides have incorrect labelling.....                     | 7        |
| ➤ <b>PIC .....</b>  | <b>7</b> |
| • EU exports and imports less PIC chemicals in 2019 .....   | 7        |

- *Information exchange on hazardous chemicals continues to increase* ..... 7

## **SUSTAINABILITY**..... 8

- **Batteries** ..... 8
  - *Sustainable batteries public consultation* ..... 8
- **Standards** ..... 8
  - *CEN standards on swimming pools and pipes* ..... 8
- **Circular Economy** ..... 9
  - *How Can The Chemical Industry Help The EU Turn The Circular Economy Into A Viable Economic Growth Strategy?*..... 9
- **Water** ..... 9
  - *Commission welcomes final agreement on water quality and access to drinking water* ..... 9
- **Hazardous substances**..... 10
  - *New EU chemical evaluation promises quicker, better results* ..... 10

## Chemicals

### ➤ REACH

- Meeting of CARACAL Sub-Group on Polymers (16 December 2020)

Source: [European Commission](#)

The group discussed “Identification of Polymers Requiring Registration (PRR)”.

You can find the working document of the meeting in the link above.

- Agenda REACH meeting (14 December 2020)

Source: [European Commission](#)

Relevant points at the agenda :

- Draft Commission Regulation (EU) amending Annex XIV to REACH as regards endocrine disruptor properties of four phthalates

You can also find the working documents [here](#).

- Agenda Standing Committee on Biocidal Products (10 December 2020)

Source: [European Commission](#)

You can find the agenda in the link above.

You can also find the working documents [here](#).

- Non-objection to an implementing measure on 4-(1,1,3,3-Tetramethylbutyl)phenol, ethoxylated

Source: [European Parliament](#)

European Parliament decision to raise no objections to the draft Commission regulation amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards the substance group 4-(1,1,3,3-Tetramethylbutyl)phenol has been adopted.

- **Comment eight substitution plans for authorisation applications**

Source: [ECHA](#)

Stakeholders are invited to provide relevant and science-based information by 27 January 2021 on substitution plans for eight applications for authorisation. The applications cover uses of chromium trioxide, sodium dichromate and bis(2-ethylhexyl) phthalate (DEHP).

The information will help the Committee for Socio-economic Analysis (SEAC) evaluate the credibility and completeness of the substitution plans, work which is expected to be finalised by September 2021.

The European Commission will take SEAC's evaluation of the substitution plans into consideration when deciding whether to grant or refuse the authorisation.

Commission delegated regulation setting a limit value for pentachlorophenol and its salts and esters

- **Commission delegated regulation setting a limit value for pentachlorophenol and its salts and esters**

Source: [European Commission](#)

Article 1 of Regulation (EU) 2019/1021 ('POP Regulation') establishes as the objective of that Regulation to protect human health and the environment from Persistent Organic Pollutants ('POPs') by prohibiting, phasing out as soon as possible, or restricting the manufacturing, placing on the market and use of substances subject to the Stockholm Convention on POPs.

Pentachlorophenol (PCP) and its salts and esters are listed in Annex I to the POP Regulation without an Unintentional Trace Contaminant (UTC) limit value. The lack of a specified UTC limit value results in legal uncertainty since stakeholders do not know whether a limit value applies nor which value. The absence of a limit value would be interpreted as if the limit of detection applies, which would be so low that it would create problems in some cases, for example preventing the placing on the market of articles produced from recycled wood chips. Based on the available information, that limit value should be set at 5 mg/kg (0,0005 % by weight) for the presence of PCP as UTC in substances, mixtures and articles.

- **Call for evidence extended: restriction of bisphenol A**

Source: [ECHA](#)

German authorities are preparing a restriction proposal on 4,4'-isopropylidenediphenol and structurally related bisphenols of similar concern where they will assess the associated risks to the environment.

The call for evidence on the proposal has been extended from 15 January 2021 until 15 February 2021.

- **New substance evaluation conclusions published**

Source: [ECHA](#)

New substance evaluation conclusion documents are available for:

- bis(4-chlorophenyl) sulphone (EC 201-247-9; CAS 80-07-9) added to the CoRAP list in 2019 and evaluated by Austria; and
- 1,3-diethyl-2-thiourea (EC 203-308-5; CAS 105-55-5) added to the CoRAP list in 2019 and evaluated by Poland.

### ➤ **Biocides**

- **Swimming pools mentioned in the preparatory work for guidance on bees and other arthropod pollinators**

Source: *ECHA*

ECHA's Pollinators' Expert group has finalised its [Preliminary considerations for ECHA's guidance on the "Methodology to assess the risk to bees and other non-target arthropod pollinators from the use of biocides"](#)

The expert group will draft the guidance in consultation with an ad hoc stakeholder group, set up in early 2020. The guidance is expected to be finalised by the end of 2021.

Section 2.1.2 is accompanied by an [Excel table](#) mentioning swimming pools.

| Criteria to assess potential for exposure to pollinators |                              |                             |                    |  |               |                        | Potential exposure to pollinators | Remarks  | Summary of comments   | Conclusion  |
|--|------------------------------|-----------------------------|--------------------|--|---------------|------------------------|-----------------------------------|--|---|---|
| PT   | Scenario                     | First receiving compartment | Indoor/outdoor use | Relevant application types/release pathway | Release scale | Frequency of release   |                                   |  |   |   |
|  | Public swimming pools        | STP                         | Indoor/Outdoor     | no   | medium        | Monthly (intermittant) | NO                                |  | Active substances used noted to be most likely not relevant since rapidly reacting. | This is a substance property subject of the section 2.2. no change to scoring - may be added in the remarks column K. |
|  | Private/small swimming pools | STP, soil                   | Outdoor            | no   | small         | ??                     | NO                                | Outdoor use in small pools in gardens - AS used most likely not relevant since rapidly reacting (e.g. chlorine, PAA, H2O2) |   |   |

- Article 95 update for biocidal products

Source: [ECHA](#)

Article 95 has been updated and includes new suppliers of biocides.

As a reminder, 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".

- Active chlorine generated from sodium chloride by electrolysis (Redefined from Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced in situ) for PT1, PT2, PT3, PT4 and PT5 submitted by AquaJet AG
- Active chlorine released from hypochlorous acid (Redefined from Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced in situ) for PT1, PT2, PT3, PT4 and PT5 submitted by AquaJet AG

- **Report of the first harmonised enforcement project on treated articles**

Source: [ECHA](#)

The first harmonised enforcement project (BEF-1) that was held under the umbrella of the BPR Subgroup of the Forum for exchange of information on enforcement (BPRS) focused on the labelling obligations for treated articles (TAs), and the presence of legal or illegal active substances in TAs in accordance with the Biocidal Products Regulation (BPR).

The objectives of the BEF-1 were to check compliance and to assess awareness and competences among the actors placing and making TAs available on the EU market. The checked TAs were mainly articles for consumers, articles for the professional market (e.g. building products, swimming pool equipment, personal safety equipment), and chemical mixtures (e.g. paint, ink).

- **One-third of products claimed to be treated with biocides have incorrect labelling**

Source: [ECHA](#)

36 % of checked treated articles were found to be non-compliant with labelling requirements under the Biocidal Products Regulation.

## ➤ **PIC**

- **EU exports and imports less PIC chemicals in 2019**

Source: [ECHA](#)

ECHA's latest annual report on the exports and imports under the Prior Informed Consent (PIC) Regulation shows ethylene dichloride as the most exported and benzene as the most imported PIC chemicals in 2019.

- **Information exchange on hazardous chemicals continues to increase**

Source: [ECHA](#)

In 2018-2019, the EU sent export notifications to almost 150 importing countries for more than 90 different hazardous chemicals. The number of notifications has increased by 10 % from 2016 to 2019.

The EU also responded to nine ad hoc questions from authorities of non-EU importing countries as well as five follow-ups (compared with seven and two respectively in 2016-2017), which confirms that interest from importing countries in the information that the EU can provide is continuing to grow.

Finally, the EU has submitted three new notifications of Final Regulatory Actions (FRA) to the Rotterdam Convention indicating that the uses of these substances have been banned or severely restricted in the EU.

## Sustainability

### ➤ Batteries

- Sustainable batteries public consultation

Source : [European Commission](#)

We informed you last week that the European Commission proposes to modernise EU legislation on batterie. This adopted act is [open for feedback](#) until February 11 2021.

You can also read the EEB position on the proposal [here](#) and the position of Eurometaux [here](#).

### ➤ Standards

- CEN standards on swimming pools and pipes

Source : CEN

Below new ratifications of CEN standards :

- [Plastics piping systems for hot and cold water installations - Crosslinked polyethylene \(PE-X\) - Part 2: Pipes - Amendment 2 \(ISO 15875-2:2003/Amd 2:2020\)](#)
- [Plastics piping systems for hot and cold water installations - Polyethylene of raised temperature resistance \(PE-RT\) - Part 2: Pipes - Amendment 1 \(ISO 22391-2:2009/Amd 1:2020\)](#)
- [Plastics piping systems for hot and cold water installations - Chlorinated poly\(vinyl chloride\) \(PVC-C\) - Part 5: Fitness for purpose of the system - Amendment 2 \(ISO 15877-5:2009/Amd 2:2020\)](#)

- [Domestic swimming pools - Part 1: General requirements including safety and test methods](#)

➤ **Circular Economy**

- **How Can The Chemical Industry Help The EU Turn The Circular Economy Into A Viable Economic Growth Strategy?**

Source: [Cefic](#)

Cefic President Martin Bruder Müller shares his views on circular economy alongside Virginijus Sinkevičius, Commissioner for the environment, oceans and fisheries, Jan Huitema MEP (Renew Europe, Netherlands), and Jocelyn Blériot, executive lead institutions, governments & cities, Ellen MacArthur Foundation.

➤ **Water**

- **Commission welcomes final agreement on water quality and access to drinking water**

Source: [European Commission](#)

The Commission welcomes the adoption of the revised Drinking Water Directive by the European Parliament in its plenary session yesterday evening. The new Directive will guarantee safer access to water for all Europeans. At the same time, it will ensure the highest standards in the world for drinking water, in line with the zero pollution ambition for a toxic-free environment announced in the European Green Deal. It is based on the proposal presented by the Commission in February 2018, as a direct follow-up to the first-ever successful Right2Water European Citizens' Initiative.

Following today's approval by the European Parliament the revised Drinking Water Directive is now adopted. As soon as the act is signed jointly by the President of the European Parliament and the President of the Council of the European Union, it will be published in the Official Journal of the European Union and enter into force 20 days later. After the date of entry into force of this Directive, Member States have two years to comply with the revised Drinking Water Directive.

## ➤ Hazardous substances

- New EU chemical evaluation promises quicker, better results

Source: [Euractiv](#)

Authorising or banning potentially hazardous substances in the European Union can drag on for years and the current rules allow separate regulators to run their own assessments, sometimes leading to different outcomes. A planned new regime aims to change that.

As part of the European Commission's proposal to revamp chemical management principles, published earlier this year, the EU executive intends to explore the idea of a 'one substance, one assessment' method.

"The complexity of assessment procedures represents a specific challenge for authorities and stakeholders. It can lead to inconsistencies, slow procedures, inefficient use of resources and unnecessary burdens," the chemicals strategy explains.

In order to make the process simpler and more transparent, the Commission suggests that the assessment should involve grouping chemicals, instead of scrutinising them on a 'substance-by-substance' basis.

Currently, any number of agencies, authorities and regulatory bodies can initiate an assessment procedure, which ups the complexity of what is already a murky process that stakeholders need to keep track of.

Two of those authorities – the European Chemicals Agency (ECHA) and the European Food Safety Authority (EFSA) – released a joint position paper earlier this year that backs the idea of a streamlined system.

"Currently, risk assessment and risk management of the same chemical is carried out at different times for different uses by different bodies, under different legislation, often using different data and potentially leading to seemingly different outcomes," the paper warns.

It points out that ECHA has the lead when the chemicals in question are classed as for industrial use, while EFSA takes the baton when they are used in things like food packaging and utensils.

When it comes to products like cosmetics, toys and electronic devices, the issue of who is in charge becomes more complex and has in the past led to problems, due to the use of different datasets, competing timeframes and diverse marketing frameworks.

The paper lists bisphenol A, a substance used to make plastics, resins and plastic coatings, and phthalates, which soften or 'plasticise' plastics such as PVC, as examples of assessments that "may have created uncertainty for decision-makers and the public".

ECHA and EFSA acknowledge that a new system has to be built around better coordination between EU bodies. They agree with the Commission's proposal to build on the 'Public Activities Coordination Tool' that is already established under the REACH chemicals law.

"To avoid duplication of work, early agreement on the problem definition will be key, favouring the assessment by groups of substances with structural or functional similarities," the Commission's chemicals plan suggests.

Violaine Verougstraete, a chemicals expert with trade body Eurometaux, likes the idea of a simpler process, citing "its potential to improve efficiencies". She added that "a step-by-step approach is needed to roll the concept out and make sure it works in practice."

To that end, the Commission has pledged to set up working groups made up of representatives from the EU member states, relevant agencies and the EU executive itself to "discuss initiatives on hazard/risk assessment on chemicals across chemical legislation".

It will also establish a coordination mechanism in-house, publish plans to boost ECHA governance and financing resilience, and reform REACH's authorisation and restriction processes

According to estimates, clarifying concerns about specific chemicals under REACH takes on average seven to nine years to complete, and many more years to control the risks if proved to be hazardous

"'One substance, one assessment' will also build greater trust in the scientific underpinning of the EU decision-making process for chemicals, building on the important steps taken regarding transparency in the EU food safety sector," the Commission strategy adds.

The ECHA-EFSA paper also backs increased transparency and proposes a "fully connected and interoperable EU chemical safety platform to facilitate seamless sharing of data between authorities and provide public access to researchers, regulators, industry and citizens."

Tatiana Santos of the European Environmental Bureau warned that ‘one substance, one assessment’ “is just a title of a commitment without real content yet, so it could be anything at this point”.

The new regime, she told EURACTIV, should be used as a tool to help the Commission’s chemical plan “radically accelerate and scale up action to effectively reduce cumulative exposures to chemicals of concern”.

Santos insisted that the system should be “based on the toxic-free hierarchy and generic risk considerations. Unfortunately, some industry laggards are more focused on continuing paralysis by analysis.”