



EU Institutions - News

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EUROPEAN COUNCIL

Chemicals

- **Meeting agenda of the Council's Working Party on the Environment - 14 March**

Source: Comitology

The Council is assisted by more than 150 working parties and committees, known as 'preparatory bodies'.

Once a Commission proposal has been received by the Council, the presidency of the Council identifies and convenes the appropriate working party to handle a proposal.

A working party begins with a general examination of the proposal, and then makes a line-by-line scrutiny of it.

On 14 March, the Working party on the Environment examined the following proposal:

- Draft Council Decision on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties to the Stockholm Convention on **Persistent Organic Pollutants** as regards the proposals for amendments of Annexes A and B

Access the agenda:

<https://data.consilium.europa.eu/doc/document/CM-2042-2019-INIT/en/pdf>

EUROPEAN PARLIAMENT

Plastics

- **European Parliament Environment Committee challenges draft authorisation decisions on DEHP in PVC articles**

Source: Chemical Watch

The European Parliament's Environment committee has called on the Commission to withdraw its draft Implementing Decision that would grant two applications for authorised uses of the phthalate DEHP in PVC articles.

At their meeting on 14 March, MEPs agreed that by granting those applications, the Commission would not be taking into account that DEHP has been officially

recognised as an endocrine disrupting chemical that affects human health and the environment.

They also agreed that such a decision "would reward laggards and negatively affect companies which have invested in alternatives".

Two separate applications, submitted by Deza and Grupa Azoty Zakłady Azotowe Kędzierzyn, requested permission to use the substance for:

- formulation in compounds, dry blends and plastisol formulations; and
- industrial use in polymer processing by calendering, spread coating, extrusion, injection moulding to produce the following soft poly(vinyl chloride) (PVC) articles where exempted in accordance with entry 51 of REACH Annex XVII.

The European Parliament's Environment committee's resolution will now be sent to the next plenary for a vote at the end of March.

MEPs at the recent meeting also urged the EU executive to "end swiftly the use of DEHP in all remaining applications, especially given the fact that safer alternatives to soft PVC and to DEHP are available".

POPs

The Environment committee also approved the provisional agreement on updating the EU Regulation on persistent organic pollutants (POPs).

The vote followed a draft compromise text agreed by EU ambassadors in the Council's Permanent Representatives Committee, after the three EU institutions reached a provisional agreement in February this year.

The changes would bring regulatory procedures in line with requirements of the Lisbon Treaty and give Echa new tasks.

They would also add the flame retardant decaBDE to the POPs list with the unintentional trace contaminant value set at 10mg/kg.

The Regulation will now pass through the Parliament's plenary assembly vote, which will take place late March/April. If approved, it will need endorsement by the Council before being adopted.

The European Commission adopted the proposal to recast the law in March last year.

Access the article (subscription needed):

<https://chemicalwatch.com/75037/envi-challenges-draft-authorisation-decisions-on-dehp-in-pvc-articles?layout=modal>

- **Commissioner Vella answers a written question by Members of the EU Parliament on Maintaining incentives for innovation in the absence of EU standards on biodegradability**

Source: European Parliament

Parliamentary written questions are questions addressed by Members of the European Parliament (MEPs) to other European Union Institutions and bodies, with request for a written answer. They are a direct form of parliamentary scrutiny of other EU institutions and bodies.

Question by MEPs Anneli Jäätteenmäki (ALDE), Miapetra Kumpula-Natri (S&D) and Henna Virkkunen (PPE):

A recent Commission proposal for a directive seeks to reduce the adverse impact of single-use plastics and incentivise new innovation.

Given that there are no EU standards for biodegradability in place, manufacturers of alternative products are having to rely on other national and international standards in order to certify the environmental benefits of their products.

Some efficient examples of biodegradability labels include the Seedling certificate and the OK Biodegradable Marine certificate offered by the Belgian branch of the TÜV AUSTRIA Group, and those offered by the German certifier DIN CERTCO.

With no harmonised EU standard in place, how will the Commission ensure that there are sufficient incentives to develop innovative new products — which are made out of materials that are recyclable and free from microplastics, can biodegrade in industrial composting, and in marine environments in under a year, and are not toxic or do not cause other harmful effects to aquatic organisms — that can be sold on the European market as a replacement for single-use plastics?

Does the Commission intend to restrict innovation of this kind on the market — an approach that runs counter to the goals of the strategy on plastics?

If not, what action will it take to ensure that such innovation is not banned or limited because of the directive on single-use plastics?

Answer:

The Commission's approach to biodegradable plastics is expressed in the EU Plastics Strategy¹. The Strategy acknowledges risks associated with biodegradable plastics but also recognises their possible role in some application and welcomes innovation efforts in this field.

The Commission has committed to identify applications with clear environmental benefits where measures to stimulate innovation could be pushed, identify conditions under which the use of biodegradable or compostable plastics is beneficial and the criteria for such implications, and to propose harmonised rules

for defining and labelling compostable and biodegradable plastic. In this context the Joint Research Centre is conducting a Life Cycle Assessment of bio-based and biodegradable plastics². Additionally, the Commission launched a study on the relevance of biodegradable and compostable consumer plastic products and packaging, focusing on home and industrial composting³.

Presently, there is no agreed European standard that certifies biodegradability of plastics in conditions other than industrial, in particular in the marine environment. Therefore, single-use plastic products made of materials that are claimed to be compostable, biodegradable or marine biodegradable are covered by the scope of Directive on the reduction of the impact of certain plastic products on the environment⁴. The Directive foresees that, six years after its entering into force, the Commission will conduct an assessment of the scientific and technical progress concerning criteria or a standard for biodegradability in the marine environment applicable to single-use plastic products within the scope of this Directive. Given current uncertainties have detrimental effect on the market, further work on developing common standards on marine biodegradability remains of utmost importance.

The Commission will keep promoting innovation in the area of plastics' biodegradability, not covered by market restrictions under the abovementioned Directive, through regular contacts with the industry and its Research & Innovation agenda.

1. *The Strategy underlines that “In addition, the increasing market shares of plastics with biodegradable properties bring new opportunities as well as risks. In the absence of clear labelling or marking for consumers, and without adequate waste collection and treatment, it could aggravate plastics leakage and create problems for mechanical recycling. On the other hand, biodegradable plastics can certainly have a role in some applications and the innovation efforts in this field are welcomed” it also state that “biodegradable plastics are not to be put forward as a solution for littering” and that “if compostable and conventional plastics are mixed in the recycling process, it may affect the quality of the resulting recyclates.”*
2. *the results will be available in the fourth quarter of 2019.*
3. *the results will be available in the fourth quarter of 2019.*
4. *COM(2018) 340 final*

Access the question:

http://www.europarl.europa.eu/doceo/document/P-8-2018-006113_EN.html

Access the answer:

http://www.europarl.europa.eu/doceo/document/P-8-2018-006113-ASW_EN.html

EUROPEAN COMMISSION

Persistent Organic Pollutants

- **Commission's final report on Persistent Organic Pollutants (POPs) Waste now available**

Source: European Commission

The main objective of the study is to provide to the Commission necessary scientific information in order to amend the POP Regulation in view of the listing of new substances

To reduce Persistent Organic Pollutants' emissions into the environment, the European Regulation establishes the obligation to generally destroy or irreversibly transform the POP content of waste above a certain threshold limit ('LPCL').

This study collects and analyses information from competent authorities, scientific institutions, literature and other experts; it also elaborates recommendations for the environmentally sound management of waste containing POPs.

The following substances are addressed in the study:

- Newly listed POPs: Decabromodiphenylether (decaBDE) and short-chain chlorinated paraffins (SCCPs) in Annex A and Hexachlorobutadiene (HCBd) in Annex C to the Stockholm Convention;
- Candidate POPs: Dicofol, Pentadecafluorooctanoic acid (PFOA, perfluorooctanoic acid) and its salts and PFOA-related compounds, Perfluorohexanoic acid (PFHxS) and its salts and PFHxS-related compounds;
- Already listed POPs: Hexabromocyclododecane (HBCDD), Polychlorinated Biphenyls (PCB), Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF).

Access to the report:

http://ec.europa.eu/environment/waste/pdf/Study_POPS_Waste_final.pdf

Biocides

- **Meeting of the Expert group for the implementation of the Biocidal Products Regulation**

Source: European Commission

The expert group is made up of representatives of the competent authorities for the implementation of the Biocidal Products Regulation and assists the Commission with the preparation of policy initiatives, delegated acts, and implementation of the Biocidal Products Regulation, including the coordination of certain Member States' activities. Representatives of NGOs and industry also participate in meetings of the expert group as observers.

The meeting took place on March 13 -15 in Brussels. You can find below some documents published in the framework of this meeting:

- Note for discussion on the management of product authorisation for in situ cases: <https://circabc.europa.eu/sd/a/dce158e7-8c99-4886-aea7-a2a4771428ab/CA-March19-Doc.4.5%20-%20In%20situ.docx>
- More information about the implementation of the Biocidal product family concept: <https://circabc.europa.eu/sd/a/32a01c6a-4be9-46d9-8420-b5ace8586317/CA-March19-Doc.4.7.a%20-%20WP%20of%20BPF%20in%20nutshell.pptx>
- Minutes of the last meeting (November 2018) : [https://circabc.europa.eu/sd/a/2d6c2f16-af08-4e15-a423-c76c2f14c5d1/CA-March19-Doc.2.rev%20-%20Draft%20minutes%20CA-Nov2018\(0\).doc](https://circabc.europa.eu/sd/a/2d6c2f16-af08-4e15-a423-c76c2f14c5d1/CA-March19-Doc.2.rev%20-%20Draft%20minutes%20CA-Nov2018(0).doc)
- Report on product authorisations: <https://circabc.europa.eu/sd/a/eb8444e9-04ff-4216-8906-6015230f6031/CA-March19-Doc.4.3%20-%20Report%20on%20product%20authorisations.docx>
- List of ECHA guides under developments: <https://circabc.europa.eu/sd/a/6486d1e5-a369-4d6f-bfce-f555ea0194a6/CA-March19-Doc.7.2.b%20-%20Guidance%20and%20quasi-guidance%20needs.docx>
- Health Council of the Netherlands report “Resistance due to disinfectants”: <https://circabc.europa.eu/sd/a/df9310b3-3ccf-4455-b728-be6efb55381a/CA-March19-Doc.7.11.d%20-%20Background-report-resistance-due-to-disinfectants.PDF>
- Health Council of the Netherlands report on “Careful use of disinfectants”: <https://circabc.europa.eu/sd/a/90de2659-ffed-4768-9859-4bf7d12466c7/CA-March19-Doc.7.11.c%20-%20Advisory-report-careful-use-of-disinfectants.PDF>

EUROPEAN CHEMICALS AGENCY

Consumers

- **Inspectors checking consumer products, including swimming pool equipment, for hazardous chemicals**

Source: ECHA

Inspections for two EU-wide enforcement projects are currently under way to identify hazardous chemicals in consumer products.

The inspections under the first enforcement project for biocides (BEF-1) kicked off in January 2019 and will run throughout the year. Carried out in 28 EU and EEA countries, the inspections focus on treated articles for consumer and professional use. Inspected products include, for example **swimming pool equipment**. Chemical mixtures such as paints and inks are also covered in these inspections.

Particular attention is paid to illegal use of non-approved active substances and to compliance with the labelling obligations.

For the pilot project under REACH and the CLP Regulation, inspections began in March 2019 and will run until autumn. Inspectors and customs authorities in the 16 participating EU Member States and EEA countries are working together to check whether imported products comply with certain restrictions under REACH regarding hazardous chemicals such as cadmium, nickel or lead. They are also verifying that chemical products are labelled with the required safety information.

Where products are found to be non-compliant, the import will be stopped and they will not be allowed to enter the EU market. The tighter collaboration between inspectors and customs authorities will also further enhance the protection of EU citizens from hazardous substances.

The final report for the pilot project under REACH and CLP is expected around mid-2020. The results of the BEF-1 project on treated articles and mixtures will be published towards the end of 2020.

Access the information:

<https://echa.europa.eu/fr/-/inspectors-checking-consumer-products-for-hazardous-chemicals>

Plastics

- **ECHA Webinaire on the public consultation on microplastics restriction**

Source: ECHA

ECHA's microplastics restriction proposal was submitted to the scientific committees on 11 January for conformity check. Following the check, a 6-month public consultation on the proposal will start on 20 March. This session will clarify the content of the proposal and the public consultation. You will have a chance to ask questions from our live panel of experts.

The session is intended for anyone either directly or indirectly affected by the proposed restriction.

More information:

<https://echa.europa.eu/fr/support/training-material/webinars>

Brexit

- **Echa opens Brexit REACH IT window**

Source: Chemical Watch

Echa has opened its REACH IT window to enable UK companies to make changes and transfer their REACH registrations to EU-based entities. If an only representative (OR) is not appointed, the EU27/EEA importers will have to submit their own registrations.

The window, which will be open from 12-29 March – the day the UK is due to leave the EU – has already drawn 200 enquiries.

Last month Echa sent messages to all UK-based registrants – about 1,800 companies – on how to prepare for Brexit. At the same time it published a list of the substances registered only by UK companies, which numbered 1,181, Echa deputy executive director Jukka Malm told Chemical Watch.

Since January, Echa has received 300 general Brexit-related enquiries, 180 of which were submitted last month when the agency published comprehensive chemicals instructions on the UK's withdrawal. They range from queries on practical issues related to transferring registrations to setting up legal entities in the EU27.

In addition to other EU stakeholders – member state national helpdesks, trade bodies and NGOs – Echa also told chemical industry associations in China, India, Japan, Switzerland and the US about the window. This was because they are the top five importers to the trade bloc, Mr Malm said.

UK awareness

Echa has not directly liaised with the UK government or the Chemical Industries Association (CIA) on the Brexit window, Mr Malm said, but it has linked to their guidance documents on its website. This includes advice by Cefic and the CIA for registrants to use the suspensive condition clause in contractual arrangements when appointing ORs.

Meanwhile the CIA, its subsidiary organisation REACHReady, and the Chemical Business Association (CBA) have been actively raising awareness of the Brexit window among their members. The CIA told Chemical Watch that, while it hopes a deal can be secured in the coming weeks, businesses are "increasingly advancing their ongoing preparations for a no-deal outcome".

In the CBA's recent REACH survey, respondents said they plan to notify 326 registrations under UK REACH and have indicated they are considering notifying a further 1,266 registrations as an importer from the EU27 countries.

Because the UK exports 60% of its chemicals to the EU27, the CIA said it anticipates a significant number of transfers will take place. "In particular the number of substances registered by UK companies only is higher than originally anticipated" and the reason why a deal is "even more urgent for our industry and many that we supply into".

Access REACH IT:

<https://echa.europa.eu/support/dossier-submission-tools/reach-it>