



EU Press Review 4 July – 11 July 2019



CONTENT

CHEMICALS	2
BIOCIDES	2
• <i>EVENT/ Biocides Europe 2019, 3-4 December 2019, Vienna</i>	2
BREXIT	2
• <i>CHEM Trust abandons threat to sue UK over post-Brexit REACH plans</i>	2
REACH	3
• <i>Commission issues study tender on impact of 2018 REACH deadline</i>	3
SVHCS	4
• <i>Half of companies not well-informed on SVHCS, AskREACH survey</i>	4

CHEMICALS

Biocides

- **EVENT/ Biocides Europe 2019, 3-4 December 2019, Vienna**

Source: Chemical Watch

On 3-4 December, The Biocides Europe Conference will provide the latest updates in European biocidal regulations. Indeed, Biocides Europe will focus on key aspects of Regulation (EU) No. 528/2012 concerning the approval of active substances and authorisation of biocidal products.

The Conference will include the latest developments from the European Commission and ECHA, as well as the updates of this regulation.

Access the event information:

<https://events.chemicalwatch.com/76320/biocides-europe-2019>

Brexit

- **CHEM Trust abandons threat to sue UK over post-Brexit REACH plans**

Source: Chemical Watch

In the 6-13 June monitoring, we informed you about the will of the NGO CHEM Trust to sue UK government over reduced post-Brexit oversight. The present article gives an update of the situation.

The article mentions that the NGO CHEM Trust has abandoned plans to sue the UK government over a controversial REACH statutory instrument (SI) that sets out Britain's plans for chemical management in the event of a no-deal Brexit.

CHEM Trust says it is now satisfied with government assurances that the environment ministry will not undermine public participation and stakeholder engagement in the ongoing process. The UK is still aiming for a deal by the 31 October deadline, which would align the UK with EU REACH.

Access the article (subscription needed):

<https://chemicalwatch.com/79552/chem-trust-abandons-threat-to-sue-uk-over-post-brexit-reach-plans>

REACH

- **Commission issues study tender on impact of 2018 REACH deadline**

Source: Chemical Watch

The European Commission's DG Grow has tendered out a study to identify the impacts of the REACH 2018 registration deadline on the EU chemicals market.

The third and final deadline under REACH – for substances manufactured or imported in quantities of between 1 to 100 tonnes/year – was 31 May last year.

The study will mainly focus on the impacts of the deadline and the registration obligations on economic operators, in line with the actions included in the second REACH review.

In particular, it will:

- assess the costs of updating registrations and extended safety data sheets for economic operators;
- evaluate the impacts of these costs on competitiveness, innovation and structure of the EU chemicals industry and downstream users;
- evaluate the effects of registration on the availability of chemicals, as some of them may have been withdrawn due to requirements and costs linked to the registration;
- calculate resources spent on adaptation to REACH; and
- assess specific impacts on SMEs.

In the autumn, the Commission will organise a workshop for stakeholders to discuss preliminary results and further develop areas where more information or discussion is needed.

The study final report will be made available on the Commission's website.

The tender submission deadline is 23 September.

Link to the article (subscription needed):

<https://chemicalwatch.com/79533/commission-issues-study-tender-on-impact-of-2018-reach-deadline>

SVHCs

- **Half of companies not well-informed on SVHCs, AskREACH survey**

Source: Chemical Watch

A survey of companies by the pan-European AskREACH project has found that more than half (51%) do not feel well informed about the presence of substances of very high concern (SVHCs) in their articles.

The German Environment Agency (UBA) and 19 project partners launched the consumer and supplier awareness-focused AskREACH project in September 2017. The aim is to improve supply chain communication and consumer awareness around SVHCs, mainly by ensuring that the REACH 'right to know' provision, Article 33, is being used and complied with by companies.

Under the provision, suppliers are obliged to respond to consumers' requests for information on whether an article contains SVHCs above a concentration of 0.1%.

Link to the article (subscription needed):

<https://chemicalwatch.com/79664/half-of-companies-not-well-informed-on-svhcs-askreach-survey>



EU Press Review

25 July – 1 August 2019



CONTENT

CHEMICALS	2
BREXIT	2
<i>UK business lobby CBI warns of no-deal Brexit impact</i>	2
CLP REGULATION	2
<i>US escalates opposition to EU titanium dioxide, cobalt classifications</i>	2
REACH	3
<i>Almost 60 Chemical Manufacturers Commit To Re-Evaluating The Safety Data In Their REACH Registration Dossiers</i>	3

CHEMICALS

Brexit

- **UK business lobby CBI warns of no-deal Brexit impact**

Source: Chemical Watch

The UK is currently due to leave the EU on 31 October. If a withdrawal deal is not approved in parliament by then, and the departure date is not extended further, it will exit on World Trade Organization (WTO) terms and set in motion a UK version of REACH.

The UK's top business organisation has warned of the impact of a 'no deal' Brexit on the chemicals industry and called for UK and EU authorities to arrange a mechanism to enable data sharing on substances.

In a report, the Confederation of British Industry (CBI) – one of the UK's most influential lobby groups – also asks the EU to offer a grace period of 180 days for companies to transfer REACH registrations to the bloc if the UK leaves without a deal.

The CBI says that the costs of re-registering chemicals in a parallel UK REACH system "risk being unsustainable" for many companies in the long term. This could make the UK a "distinct market outside of Europe" with a diminished chemicals offering, it says.

Measures are available to partially mitigate the damage, the report adds, but they are "expensive and difficult to implement before an October deadline."

A 180-day grace period from a no-deal exit date should also be extended to EU companies that would become importers of UK-registered substances.

Currently only companies importing chemicals to the UK have been given a 120-day grace period under UK REACH to make initial registrations in the UK.

Access the article (subscription needed):

<https://chemicalwatch.com/80488/uk-business-lobby-cbi-warns-of-no-deal-brexit-impact>

CLP Regulation

- **US escalates opposition to EU titanium dioxide, cobalt classifications**

Source: Chemical Watch

In the 18-15 July Monitoring, we informed you that a group of European industry associations has appealed to the EU Commission to defer its decision to classify titanium dioxide as a category 2 carcinogen under CLP until new toxicity data becomes available.

Titanium dioxide has widespread uses, mainly in paints, coatings, printing inks and plastics but also in cosmetics, food and feedstuffs, textiles, rubber and pharmaceuticals.

This week, the US has stepped up its objection to the EU proposal; asking the Commission "to take no further action" until it directly addresses World Trade Organization (WTO) members on the matter.

The US says the classification for titanium dioxide includes uses where "there is no scientific evidence of a risk to human health".

The Commission, in its response, said the classification would only have a limited impact on downstream users.

Australia, Mexico, the Philippines and Russia have also joined the chorus of international opposition to the EU classification plans.

Australia government is concerned that, if the EU designates titanium dioxide as a category 2 carcinogen (a suspected human carcinogen), this would create unjustified obstacles to trade for products containing it, such as paints and coatings, which use it as a pigment.

Link to the articles (subscription needed):

<https://chemicalwatch.com/80510/us-escalates-opposition-to-eu-titanium-dioxide-cobalt-classifications>

<https://chemicalwatch.com/80568/australia-questions-eus-proposed-titanium-dioxide-and-cobalt-classifications>

REACH

- **Almost 60 Chemical Manufacturers Commit To Re-Evaluating The Safety Data In Their REACH Registration Dossiers**

Source: Cefic

59 companies have signed up to Cefic's Action Plan to re-evaluate their chemicals safety data following the launch of the voluntary industry-wide initiative on REACH registration dossiers in June 2019.

The Cefic Action Plan outlines the timeline, roles and responsibilities, substance prioritisation criteria, critical issues, and explains how progress will be reported. It is complemented by a Cooperation Agreement between Cefic and ECHA. The implementation of the Cooperation Agreement will be supported and guided by a Steering Committee comprised of the representatives of ECHA and Cefic.

Link to the article:

<https://cefic.org/media-corner/newsroom/almost-60-chemical-manufacturers-commit-to-re-evaluating-the-safety-data-in-their-reach-registration-dossiers/>



EU Press Review 1 - 22 August 2019



CONTENT

CHEMICALS	2
BREXIT	2
<i>Parliament report predicts major no-deal Brexit impact on chemicals</i>	2
<i>The UK Chemical Business Association alerts new environment secretary to UK REACH fears</i>	3
GOVERNANCE	4
<i>EU proposal raises transparency issue in chemical regulation talks</i>	4

CHEMICALS

Brexit

- **Parliament report predicts major no-deal Brexit impact on chemicals**

Source: Chemical Watch

The UK is currently due to leave the EU on 31 October. If a withdrawal deal is not approved in parliament by then, and the departure date is not extended further, it will exit on World Trade Organization (WTO) terms and set in motion a UK version of REACH.

A major report by the UK Parliament's committee on exiting the EU has said that the chemicals sector would be among those hardest hit by a no-deal Brexit.

The committee, also known as the Brexit select committee, finalised the report – The consequences of "No Deal" for UK business – in July.

Its publication follows a pledge made by new prime minister Boris Johnson to leave the EU by 31 October with or without an exit agreement.

The report reiterates concerns of regulatory divergence facing the chemicals industry if the country leaves without a deal.

In such a scenario the report says chemical companies operating in the UK will be cut off from EU regulatory systems and databases that protect humans and the environment.

Those operating in both markets will need to register chemicals twice – an "expensive and bureaucratic process that will reduce the attractiveness of doing business in the UK", the report adds.

And chemical companies will need to undertake new commercial negotiations with competitors to secure data needed to register chemicals.

The report echoes issues raised by industry associations and NGOs since the referendum result in June 2016.

UK MPs are on summer recess until 3 September.

Access the article (subscription needed):

<https://chemicalwatch.com/81060/parliament-report-predicts-major-no-deal-brexit-impact-on-chemicals>

- **The UK Chemical Business Association alerts new environment secretary to UK REACH fears**

Source: Chemical Watch

The Chemical Business Association (CBA) has written to the newly appointed secretary of state for the environment to highlight concerns about UK REACH and the potential impacts of a no-deal Brexit.

Prime minister Boris Johnson, who appointed Theresa Villiers MP as secretary following his victory in the Conservative party leadership election in July, has pledged to leave the EU by 31 October with or without an exit agreement.

In its 1 August letter to Ms Villiers, the CBA reiterated its view that the current REACH statutory instrument is "unworkable, unrealistic in terms of timescale, costly, and is almost certain to result in higher levels of animal testing".

In order to function, it said, UK REACH requires a database of registered chemicals similar to that held by Echa, but UK companies do not own or have access to much of this data.

"Selling access to this data to the UK as a third country remains a commercial decision for its current owner(s) and will not be governed by the EU's data-sharing rules." It added that there is anecdotal evidence that some EU-based chemical manufacturers will not make their data available because the UK market is "too small to be of economic interest".

The cost of establishing UK REACH after a no-deal Brexit is "considerable", the association said. Registration fees and data-sharing contributions funding the process cost millions of pounds and UK firms "simply cannot afford the further costs of creating a stand-alone UK REACH regime".

The two-year target for the UK REACH entity to acquire all the relevant testing data on UK products is "unrealistic", especially given the EU's REACH regime took ten years to implement, it added.

The CBA has proposed that European substance information exchange fora (Siefs), which currently hold the majority of chemical test data supporting EU REACH registrations, be allowed to submit a full registration dossier to the UK's Health and Safety Executive (HSE).

In its August letter, the association complained that to date, environment ministers "have appeared to be unwilling or unable to consider any solution outside the terms of the current REACH statutory instrument. We are still awaiting a response from [the ministry] in relation to this proposal."

New subsidiaries

The CBA also questioned the government's stance on the potential impact for trade if the country leaves the trade bloc without a deal.

"UK businesses were promised 'frictionless access' to EU markets. To date, there is little or no evidence that this is a realistic prospect."

The political "impasse" of the last three years, the CBA added, has resulted in a "significant number" of supply chain companies creating subsidiaries in EU member states – with premises and employees – representing a "permanent loss" to the UK exchequer and to UK employment.

And other companies have transferred key products to EU-based companies to guarantee continued regulatory compliance and market access, it said. "Similarly, we are aware of European-owned chemical companies repatriating products."

At the end of July the Confederation of British Industry (CBI) – one of the UK's most influential lobby groups – warned of the impact of a 'no deal' Brexit on the chemicals industry. It also called for UK and EU authorities to arrange a mechanism to enable data sharing on substances.

The UK Parliament's House of Commons is on summer recess until 3 September.

Access the article (subscription needed):

<https://chemicalwatch.com/80787/cba-alerts-new-environment-secretary-to-uk-reach-fears>

Governance

- **EU proposal raises transparency issue in chemical regulation talks**

Source: Chemical Watch

Member state suggestions to exclude industry and NGOs from taking part in important discussions on changes to the EU's Classification, Labelling and Packaging Regulation have been labelled as "regressive" by one trade body.

The member state comments come in separate papers published after the July meeting of the Competent Authorities for REACH and CLP (Caracal). At the meeting the European Commission circulated a paper on the future of Caracal, outlining draft revisions on the rules of procedure.

Several member states suggested that discussions on draft delegated acts under the CLP – used to establish measures of a technical nature – should be held behind closed doors.

This has drawn strong criticism from the Downstream Users of Chemicals Co-ordination Group (Ducc). In a paper published after the Caracal meeting, it argues that the proposed change would "greatly reduce transparency and virtually exclude industry from the future development of the CLP Regulation".

Ducc said industry experts provide value added input to the development of CLP, "specifically in relation to implementation and workability for their specific sectors".

Well-balanced representation and input from member state and industry experts, it says, "supports the development of better regulation and helps reduce the need to retrospectively revise regulatory changes (after they have been implemented)".

Under the Commission's proposed revisions to the rules of procedure it would be able to convene closed sessions when at least a third of member states request to do so.

Limited consultation

Ducc is also concerned about a proposal in the Commission's revision to the rules of procedure which would mean there is only one public consultation at an early stage conducted for the harmonised classification processes under Annex VI to CLP.

While other delegated acts would have a public consultation at the draft regulation phase, Annex VI adaptations to technical progress (ATPs) would not, according to the Commission's proposal.

Ducc said it is extremely concerned at such a "manifestly insufficient" measure. The current plans, it added, would mean the public consultation would:

- occur before Echa's committee for risk assessment (Rac) has developed and adopted an Opinion;
- prevent the public from commenting on the draft delegated act from the Commission; and
- subject proposed amendments to Annex VI to far less scrutiny and oversight than amendments to the other Annexes to the regulation.

Ducc urged all public consultations on delegated acts amending the CLP annexes to be conducted at Caracal level and for the Commission to report back to Caracal following the conclusion of a public consultation before a subsequent decision is taken. This, it added, is outlined in earlier Commission provisions on better regulation.

The trade body called on the EU executive to reconsider its position and "prioritise transparency and accountability" in the future development of all annexes to CLP.

In a separate paper following the July Caracal meeting, Cefic shared Ducc's concerns and said that the purpose of a public consultation at different stages of the process has "different objectives and contributes to transparency".

Conducting a public consultation on the delegated act "brings added value", and the opportunity for the general public to participate is "key for transparency in policy making and aids any well informed discussion of a delegated act".

The Commission has asked member states to approve its revised draft by 6 September.

Link to the article (subscription needed):

<https://chemicalwatch.com/81252/eu-proposal-raises-transparency-issue-in-chemical-regulation-talks>