

# EU Monitoring Report

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25 March – 1 April 2021

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➤ **REACH**

- Draft Agenda of the REACH Committee (27 April)

Source: [European Commission](#)

The items discussed during the next REACH Committee will include Draft Commission Implementing Decisions concerning applications for authorisation under the REACH Regulation, and an update of Appendices 1-6 on the Carcinogenic, Mutagenic or toxic for Reproduction (CMR) substances.

- Call for interest to join the Chesar Platform stakeholders' community

Source: [ECHA](#)

ECHA is currently developing the Chesar Platform, the chemical risk assessment tool combining Chesar and EUSES. Chesar Platform will serve both REACH and Biocides.

As a reminder, Chesar (CHEmical Safety Assessment and Reporting Tool) is an application developed by ECHA to help companies to carry out their chemical safety assessments (CSAs) and to prepare their chemical safety reports (CSRs) and exposure scenarios (ESs) for communication in the supply chain. EUSES (European Union System for the Evaluation of Substances) is the European reference software tool for companies, authorities and researchers to prepare their environmental exposure assessments under the Biocidal Products Regulation and the REACH Regulation.

To prepare the new tool, ECHA is in the process of setting up a Chesar Platform stakeholder community. The community will play a key role in collecting and discussing a wide range of scientific proposals, from assessment methodologies and approaches to the usability of the Platform.

All parties interested to be part of this group are invited to reply to this [questionnaire](#).

➤ **Biocides**

- Updated workbook on “Environmental Emission Scenarios for Product Type 2: Private and public health area disinfectants and other biocidal products”

Source: [ECHA](#)

This workbook provides a calculation tool for estimating the environmental releases from the use of private and public health area disinfectants and other biocidal products. It consists of spreadsheets, covering the emission scenarios described in the Emission Scenario Documents, and one additional spreadsheet covering the Private pools scenarios (according to the Technical Agreements for Biocides (TAB)).

The workbook was updated on 29 March. It includes spreadsheets on:

- Environmental Emission Scenarios for Product Type 2: Private pools - permanent installed pools
- Environmental Emission Scenarios for Product Type 2: Disinfection of above ground small pools
- Environmental Emission Scenarios for Product Type 2: Public swimming pools

The ECHA points out this document is a calculation tool that should be used in combination with the ESD, which contains the background information that needs to be taken into account in order to correctly use this spreadsheet.

- **Article 95 list has been updated and includes new suppliers of biocides**

*Source:* [ECHA](#)

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”.

The following changes occurred:

- Active chlorine released from hypochlorous acid (Redefined from Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced in situ) for PT2 and PT5 submitted by:
  - BIO ACTIW sp. z o.o (PL);
  - BLUE SAFETY GmbH (DE);
  - cdVet Naturprodukte GmbH (DE)
- Active chlorine released from sodium hypochlorite for PT2 and PT5 submitted by CIECH Salz Deutschland GmbH (DE).

- **Publication of assessment reports for approval of the active substance: Active chlorine generated from sodium chloride by electrolysis**

*Source:* ECHA

ECHA published a series of Assessment Reports on the evaluation of active substances. The evaluations assessed environmental and human health consequences based on the use of the substance as a disinfectant for swimming pool water.

Two of the evaluations were written by the Slovak Republic as Competent Authority in 2007 and updated in July 2020. They concern the evaluation of the following active substances:

- Active chlorine released from hypochlorous acid (Product-type 5 – Drinking water). The report can be found [HERE](#).

- Active chlorine released from hypochlorous acid (Product-type 2 – Disinfectants and algaecides not intended for direct application to humans and animals). The report can be found [HERE](#).

Another report was written by the Netherlands as Competent Authority in Dec 2020. It concerns the active substance named Folpet (Product-Type 9 - Fibre, leather, rubber and polymerised materials preservatives). The evaluation of the use of the substance for swimming pools is covered on the document, that can be found [HERE](#). The summary of the product characteristics can be found [HERE](#).

- **Commission delegated regulation amending Annexes II and III to Biocidal Products Regulation published in the Official Journal of the European Union**

*Source: [European Commission](#)*

On 26 March, the Regulation of 19 October 2020 amending the Annexes II and III to the BPR was published in the Official Journal of the EU.

Annexes II and III to the BPR set out the information requirements for respectively active substances and biocidal products, which an application for approval of an active substance and an application for authorisation of a biocidal product need to fulfil.

The information requirements concerning active substances and biocidal products can be modified in order to take into account new methods for generating better information on toxicological properties, new testing strategies favouring in vitro tests over in vivo tests in order to reduce testing on vertebrate animals and a testing strategy and methods for the determination of endocrine disrupting properties of substances.

You can find the details of the changes made in Annex II and Annex III through the link above.

- **Draft Commission Decision on the non-approval of certain active substances in biocidal products pursuant to Biocidal Products Regulation (BPR)**

*Source: [European Commission](#)*

This draft Commission Implementing Decision does not approve certain active substances in biocidal products pursuant to BPR.

For a number of active substance/product-type combinations included in the review programme of existing active substances listed in Annex II to Regulation (EU) No 1062/2014, all the participants have withdrawn or are considered to have withdrawn their support, and those active substance/product-type combinations should not therefore be approved for use in biocidal products.

Relevant active substances unapproved are:

- Metam-sodium
- Silver
- Peroxyoctanoic acid
- Chlorine dioxide generated from sodium chlorite and sodium persulfate.

The full list of non-approved active substances can be found in the Annex of the Decision [HERE](#).

- **List of notifications of active substances updated**

Source: [ECHA](#)

On 25 March, the list of substance and product-type combinations for which a compliant notification for inclusion in the Review Programme has been updated.

Among the substances listed, can be found:

- Active bromine
- Silver chloride
- Reaction products of aluminium trihydroxide and hydrochloric acid and aluminium and water

#### ➤ **CLP**

- **Webinar: How to submit a CLH dossier (26 May)**

Source: [ECHA](#)

This online information session presents the practical guide *How to submit CLH dossiers* that will be published in May. This guide gives advice to dossier submitters on what to check before submitting the CLH dossier with the aim of reducing the number of dossiers for which an update is needed.

The event is particularly addressed to CLH dossier submitters of substances under the scope of REACH and active substances used in biocidal products and plant protection products.

Registration to the webinar is open until 30 April [through this link](#).

## SUSTAINABILITY

### ➤ Zero Pollution Action Plan

- EurEau recommendations on the EU ZPAP

Source: [EurEau](#)

EurEau's General Assembly adopted recommendations on the EU Zero Pollution Action Plan which is a key element of the European Commission's agenda to deliver its European Green Deal.

In the position paper, EurEau claims its full support on the zero pollution ambition and calls on the Commission to put water at core of the plan. EurEau also stresses that the Action Plan should propose more concrete actions, than only monitoring frameworks or promoting digital tools. EurEau sets a list of ambitious legislative actions that could be taken now:

- Apply stringent authorisation for hazardous substances and consider REACH as the general key instrument to control hazardous substances
- Apply effective prevention and rectification at the source
- Implement the Polluter Pays Principle for mitigating measures through, inter alia, Extended Producer Responsibility (EPR) mechanisms
- Make EU legislation and EU Green Deal strategies coherent
- Mainstream the water resources protection objectives in sectorial legislation
- Foster innovative solutions for realistic tasks.

The full recommendations can be read through the link above.

### ➤ Health

- Action on suspected endocrine disruptors is crucial for increasing protection

Source: [ChemTrust](#)

On 22 March ChemTrust, an NGO aiming at protecting humans and wildlife from harmful chemicals, met the European Commission to discuss the next steps on EU action on endocrine disruptors (EDCs).

Indeed, the European Commission said that they aim at setting up new horizontal identification and presenting a proposal for hazard identification under the Classification, labelling and packaging (CLP) Regulation in 2021. The inclusion of legally binding identification criteria for EDCs in the CLP Regulation for application across all legislation was one of the Commission commitments set out by new European Chemicals Strategy for Sustainability.

Until now only around 20 substances have been identified as EDCs since the REACH legislation entered into force in 2007. Mainly due to the lack of sufficient data on chemicals, and the very strict criteria for identification under the biocides and pesticides legislation.

However, endocrine disruption is especially harmful to the developing foetus leading to deleterious effects after birth or later in life or even in the next generation. Thus, the identification of, and regulatory action on, substances that are suspected to be endocrine disruptors is crucial to ensure increased protection from exposure to these chemicals.

ChemTrust proposes a new approach for identifying suspected EDCs, based on the current EU criteria for endocrine disrupting biocides and pesticides. It will be important to align the horizontal criteria for EDCs with the criteria for substances that are carcinogenic, mutagenic, or toxic to reproduction, meaning that substances are identified according to the level of evidence. Thus, substances will be identified as:

- Category 1: Endocrine disruptor (Known Cat. 1A and Presumed Cat. 1 B based on the source of evidence)
- Category 2: Suspected endocrine disruptor (Substances for which there is some evidence but not sufficient to meet the Category 1 criteria)

In addition, ChemTrusts suggests the to classify substances that are shown to have endocrine activity, as this together with adverse effects is defining for endocrine disruption:

- Category 3: Substance showing endocrine activity (Substances that show endocrine activity in specified in vitro tests)

The Commission will soon publish an early consultation on the way forward for the legal changes and will also present a proposal with changes to the legal text by the end of 2021; as set out in the EU Chemicals Strategy for Sustainability.

- **Limits on exposure to carcinogens and mutagens at work: Fourth proposal**

*Source:* [European Parliament](#)

In this briefing, the European Parliament describes the state-of-play in the revision of the Directive on the protection of workers from risks related to exposure to carcinogens or mutagens at work (2004/37/EC).

The European Commission has proposed to amend the Directive by expanding its scope and by including and/or revising occupational exposure limit values for a number of cancer- or mutation-causing chemical agents.

The initiative is proceeding in steps and has now become a continuous process. Following on from three previous legislative amendments, which covered a total of 26 priority chemical agents, the present (fourth) proposal addresses an additional three. The proposal was announced as one of the first measures of the Commission's commitment to fight cancer under Europe's Beating Cancer Plan.

Broad discussions with scientists and social partners fed into all four proposals. The Commission's feedback period on the proposal ran until November 2020. While broadly welcoming the proposal, professional organisations, trade unions and patient groups would like carcinogenic and mutagenic hazardous medicines as well as substances toxic for reproduction to be brought within the scope of the current proposal.

Parliament's Committee on Employment and Social Affairs (EMPL) is in charge of the file. The rapporteur's draft report was considered in the EMPL meeting on 27 January 2021 and adopted on 25 March 2021. The Council agreed its position on 25 November 2020.

### ➤ **Energy Efficiency**

- **Public consultation: Revision of the Energy Performance of Buildings Directive**

*Source: [European Commission](#)*

This consultation aims to seek views from different stakeholders and citizens on the improvements to be made to the Energy Performance of Buildings Directive, in the context of European Green Deal ambition to achieve climate neutrality by 2050.

The revision of the Energy Performance of Buildings Directive was announced by the Renovation Wave communication adopted on 14 October 2020. The objective of this revision is to boost renovation rates and to contribute to the achievement of the EU's climate and energy objectives.

The issues raised in the consultation relate primarily to ways in which building renovation can be boosted – not only in terms of the number of renovation projects, but also in trying to achieve deeper renovation. It also addresses how to attain a highly energy efficient and decarbonised building stock by 2050 and how to enable more accessible and affordable financing for building renovation under the recovery and resilience plans using the €750 billion funds in the recovery package.

The feedback from this consultation will feed into the Commission's preparation of legislative proposals for revising the directive, which is intended for publication before the end of the year.

Stakeholders such as businesses including small and medium-sized enterprises, industry, professional associations, building owners and associations, social partner or citizens can participate in the consultation.

The consultation is open for input until 22 June 2021.

- **Commission analysis highlights good practices in long-term renovation strategies**

*Source: [European Commission](#)*

The European Commission has published a preliminary analysis of 13 member state long-term renovation strategies (LTRS), aimed at disseminating good practices from the policies and measures put forward by national governments.

This analysis will feed into the implementation of the Renovation Wave strategy, the Commission's ongoing analysis of the national recovery and resilience plans and broader work on promoting energy efficiency.

Under the 2018 Energy Performance of Buildings Directive, all EU countries were required to submit to the Commission a long-term renovation strategy outlining clear plans to support the renovation of their national building stock into a highly energy-efficient and decarbonised building stock by 2050. Some of these elements overlapped with the integrated national energy and climate plans (NECPs), outlining how Member States intend to achieve the 2030 climate targets. The 148-page analysis contains an overall assessment of the different strategies, lists the planned measures, and analyses each LTRS separately following a common template. It notes, for example, that the Dutch, Danish and French schemes foresee some form of mandatory minimum energy performance standards, while Denmark, Austria, Cyprus and Estonia are intending to strengthen the Energy Performance Certificate system.

In terms of stimulating joint procurement, it highlights the Dutch "renovation accelerator" and the Finnish concept of a "pool for energy savings in industries" as examples that help aggregate projects into bigger investments that are easier to finance and enable the large-scale renovation of rental homes. Similarly, the Czech PANEL programme, the Cyprus Mutual Funds Fund and the Danish KommuneKredit are seen as good practices for using public funding to leverage additional private-sector investment.

With the benefits of energy advisory services (and one-stop shops) having previously been underlined, this analysis cites the experiences of the Netherlands, Denmark, Czechia, Austria and France.

In terms of using tax incentives to foster building renovation – as recommended in the Renovation Wave strategy – the document notes the tax deduction system in Germany and Denmark, and lower rates of VAT rates for energy savings measures in France and Cyprus and for insulation and labour costs of insulation in the Netherlands.

Many member states, such as Austria, Denmark, Finland, France, Ireland, Luxemburg and the Netherlands focus on phasing out the use of coal and oil for heating.

Each LTRS's address this issue of skills and education. For example France has put in place a comprehensive set of (re-)training programmes in the construction sector, where sizable online courses for renovation experts lead to certified qualifications. Alternatively, Denmark foresees setting up a knowledge center for energy savings in buildings for the vocational education and training system.

With regard to energy poverty, the document notes Spain's national energy poverty strategy, with its Bono social and the Better Energy Warmer Homes scheme, providing free energy efficiency upgrades to homes where the householder receives a social welfare payment. In France, the National Observatory of Energy Poverty (ONPE) monitors energy poverty using an annual scorecard.

➤ **Brexit**

- **UK REACH restrictions: first signs of UK regulatory divergence on chemicals**

Source: [ChemTrust](#)

Last week, the UK Government provided the first concrete example of UK divergence from EU protections for the environment and public health from hazardous chemicals. It announced which restrictions on chemicals will be considered by the new UK chemicals regulatory regime (UK REACH – which covers England, Wales and Scotland) in its first year.

Restrictions are a way of banning or controlling the use of a chemical that poses a risk to human health or the environment. The new UK regime will consider only two of over a dozen relevant EU hazardous chemical restrictions that are either in the last stages of the EU's REACH restriction process or have been adopted by the European Commission since the end of the Brexit transition period. This will mean the UK's controls will start to fall behind those in the EU.

The Department for Environment, Food & Rural Affairs announced that it will perform Regulatory Management Options Analysis (RMOA) on Per and Polyfluoroalkyl Substances (PFAS), a group of over 9,000 highly persistent chemicals – this is a method for deciding what sort of controls might be developed in the future.

These represent only a fraction of the relevant EU restrictions that should be considered if the UK is to keep pace with EU action on hazardous chemicals. It omits restrictions on which the European Chemicals Agency (ECHA) has adopted an opinion, for example on microplastics, skin sensitising substances in textile, leather, hide and fur articles and formaldehyde and formaldehyde releasers – to name a few.

Even the two restrictions that will be considered will now have to pass through a UK REACH process that could take a couple of years and will largely duplicate the EU REACH processes that have already happened.

In TrustChem's view, there is no reason why EU controls should not be automatically adopted in the UK when their impact would not be significantly different in the UK. The main issue is often whether safer alternatives are available, and there is no reason this should be any different in the UK, in comparison to Germany, France or Sweden. In addition, EU REACH gives companies a range of opportunities to input their evidence about the impacts of any planned controls, whether the companies are in the EU, UK, US or China.

Remaining closely aligned with EU REACH and related chemical laws would ensure that UK consumers and the environment continue to benefit from the EU's relatively high protections as they continue to improve. EU REACH sets the de facto international gold-standard for chemicals regulation, and the recent Chemicals Strategy for Sustainability represents a step-change in chemical safety laws. Close alignment with EU standards would also reduce the costs and complexity on industry of having to comply with both the UK and EU regulation.

Divergence also creates the possibility that unscrupulous manufacturers will dump less safe products on the UK market that fail to meet the higher EU standards. Significant divergence



from future improvements to chemicals regulation at EU level could come at a price, under the rebalancing provisions of the UK-EU Trade & Cooperation Agreement – if it gave the UK a competitive advantage, it could spark rebalancing measures by the EU, such as retaliatory tariffs.