TOWARDS A NON-TOXIC ENVIRONMENT -NGO CHEMICAL POLICY ASKS FOR THE NEW COMMISSION

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ANNEX I - NARRATIVE

In recent years, the European Commission has advanced on outlining the future of the EU chemicals policy, so called the EU chemicals policy 2030, by developing a number of comprehensive studies and communications such as the Non-toxic Environment strategy, the different chemicals policies REFITs and the interface between chemicals, products and waste legislations communication. These studies collected a considerable amount of knowledge on the remaining gaps in EU law that undermine the protection of people, wildlife and ecosystems against harmful chemicals.

More recently, president-elect Ursula von der Leyen has committed in her political guidelines to propose an European Green Deal. A coherent approach to the production and use of chemicals is critical to several parts of the Green Deal, in particular the Zero-Pollution Strategy, the Biodiversity Strategy, the "Farm to Fork Strategy" and the New Circular Economy Action Plan.

We welcome this commitment. Chemical pollution deserves a long-term vision and concrete action plan with ambitious timelines to effectively and urgently reduce the exposure of people and environment to toxic chemicals. The European Green Deal is the ideal opportunity to set coherent and ambitious long-term targets, and has to be the first steps of a series of concrete actions.

In this paper, the main health and environmental NGOs working on chemicals highlight the chemical policy and regulatory actions that the new Commission needs to take in order to achieve the Non-toxic Environment, zero-pollution and clean circular economy goals.

I- EU STRATEGIES

EU CHEMICALS POLICY 2030 – AN OVERARCHING REGULATORY FRAMEWORK FOR CHEMICALS

In the past years, the European Commission has been working on three major evaluations within the EU chemicals policy.

The Non-Toxic Environment study, published in 2017; the REACH Review, published in March 2018; the assessment of options for the improved interface between chemicals, products and waste legislations, published in 2018 within the context of the EU Circular Economy Action Plan; and a very broad evaluation (Fitness Check) of the most relevant EU chemicals legislation (excluding REACH), published end of June 2019, have identified gaps that need to be addressed through legislative proposals in order to ensure the effective protection of citizens and the environment to the risks posed by chemicals.

The Commission and the Ministry for Environment and Food of Denmark organised a high level conference in June 2019. The different groups of interested stakeholders discussed the recent developments in the EU chemicals policy, took stock of the current challenges and debated the future steps and potential developments of the EU chemicals policy in order to improve the protection of human health and the environment – in line with the Sustainable Development agenda –, support the good functioning of the internal market while enhancing the competitiveness and innovation of EU industry.

A follow up of this work is urgently needed in order to develop a long-term strategy for chemicals policy across different legislations.

***What we expect from the Commission*:**

✔ To develop a **long-term overarching chemicals regulatory framework for 2030 and beyond that:**

- Learns from the data collected in the above-mentioned communications, studies[1] and their recommendations to make the overdue Non-toxic Environment Strategy a strong part of the European Green Deal, adopting an approach that would be both sectoral and horizontal in order to fully address the chemical aspects of related strategies (such as the circular economy, farm to fork and biodiversity ones).

- Protects human health and the environment, by safely substituting hazardous chemicals and preventing exposure to harmful chemicals in the workplace, in products and in the environment coherently and comprehensively, with emphasis on the protection of the most vulnerable people and species and full use of the prevention first, the precautionary principle and the polluter pays principle.

- Strengthens synergies between the related EU regulations including chemical relevant products regulations (e.g. toys, cosmetics, food contact materials); environmental compartments regulations (e.g. water and air); product related regulations where chemicals can be more comprehensively addressed (e.g. ecodesign and construction regulations and the Essential Requirements for packaging); source policy instruments (e.g. IED and sector BREFs -HAZBREF initiative, Seveso III Directive, Plant Protection Products and Biocides); and chemical regulations (e.g. POPs, mercury, CLP and REACH).

- Takes duly into account the risk posed by cumulative exposure and cocktail effects as well as the risk posed by non-threshold chemicals, persistent chemicals and nanomaterials.

[1] Non Toxic Environment study, REACH Review, interface between chemicals, products and waste legislations, Fitness Check of the most relevant EU chemicals legislation (excluding REACH)

- Is aligned with the hierarchy of actions in risk management that prioritises exposure prevention, elimination and substitution over control measures.

- Enables transparent, simple, fast, streamlined and efficient regulatory control of known or suspected harmful chemicals, reactions to early warnings and enforcement measures.

- Is updated to the latest independent scientific knowledge and methods as well as addresses real life exposures along the whole life cycles.

- Provides that safety testing of chemicals is carried out by independent laboratories, with the process being paid for by an industry-supplied fund that is managed by an independent public body such as ECHA and/or EFSA.

- Encompasses a specific proposal to ensure that democratic and environmental principles enshrined in the EU Treaty are applied in EU chemicals policy, (e.g. transparency in decision-making, precautionary principle, polluter pays principle).

- Improves transparency and ensures access to all information relevant to understand the health and environmental impact of chemicals, including their location, properties, function, guidelines on safe use, raw data on safety and concentration as well as the public process and decisions concerning the management of their risks.

- Puts in place the measures at EU and national level for implementation and enforcement actions to be more frequent, consistent and efficacious making full use of the polluter pays principle.

✔ To **adopt sectoral legislations** (e.g. textiles, electronics, furniture, packaging, childcare equipment, indoor air pollution) and to follow up on the initiative of the previous Commission to launch a product or material policy framework so that all products must be sustainable by design in order to access the EU market. Existing sectoral legislation should systematically implement the chemicals relevant key zero pollution principles (*highlighted above)* and be mutually supportive.

✔ To **deliver a new EU legislation on Food Contact Materials** that addresses harmful chemicals in all food contact materials and learns from the restrictions and processes adopted under other EU regulations including REACH.

✔ To ensure and promote a **full implementation and enforcement of REACH, CLP** and other **chemicals laws and relevant EU instruments** with the common zero pollution objective.

✔ To **tackle the pesticides legislation implementation deficit**; apply a more critical approach of the safety data provided by the companies, taking into account their inherent bias; and ensure that the full mapping of pesticides use in the EU is finally done; stop the possibility to export

pesticides that are banned in the EU; demand sufficiently assessed products for long term toxicity; and set obligations on a minimum distance to populations where the pesticides can be used.

- ✔ To come forward with proposals to **detoxify the circular economy** by not reducing chemicals thresholds for secondary materials to prevent contamination of recycled products (i.e. toxic recycling), eliminate toxic chemicals in the material cycles and enable such actions by ensuring that a **public information system about substances present in materials, articles, products and waste throughout life cycle, impacts and knowledge sharing of substitution solutions** is in place. This should also include the review of the E-PRTR to cover diffuse emissions from products and enabling progress tracking towards SDG achievements as well as identification of pollution prevention techniques uptake within industry.

- ✔ To ensure **cross sectoral identification and regulation of endocrine disrupting chemicals** as well as other chemicals of concern such as persistent, neurotoxicants and immunotoxicants with no further delay.

- ✔ To **accelerate the EU plans for substitution** that coordinate and build synergies to implement the substitution obligations of the different EU legislations and policies and promotes financial incentives for green chemistry, benign by design, substitution, innovation and clean production.

- ✔ To **align the governance of chemical related regulations and policies (e.g. EDCs, REACH) with their environmental protection ambitions** by giving full responsibility as well as the corresponding adequate resources to DG environment. Trade-offs between environmental/health protection and businesses economic interests should prioritise the former as affirmed multiple times by the EU Courts in the implementation of Regulations such as REACH.

- ✔ To **refit the REFIT** (the European Commission's regulatory fitness and performance programme) which, in its current form, is the major cause of undue delays in needed control of chemicals impacts to health and environment.

- ✔ At global level, **promote the development of an ambitious international framework, as a successor to Strategic Approach to International Chemicals Management (SAICM)**, to prevent and eliminate adverse impacts on the health of people and the environment, across the lifecycle of chemicals and waste, including a reform of the Special Programme.

NON-TOXIC ENVIRONMENT STRATEGY UNDER 7TH AND 8TH EAP

The previous Commission opposed the adoption of a 'Non-Toxic Environment' Strategy (NTE strategy) even though it was required by the 7th Environment Action Programme by 2018[2] and has been demanded several times by the European Parliament and the Council, most recently by the June 2019 and October 2019 Council conclusions and by the Parliament Resolution of April 2019. The EU 2030 chemicals policy as well as the European Green Deal should be underpinned by a 'Non-Toxic Environment' Strategy" that includes concrete steps to address the biggest gaps identified in the EU chemical regulations, i.e. the protection of the most vulnerable people, the effects of the combination of chemicals we are exposed to as well as the continuous release of chemicals of concern such as persistent chemicals, endocrine disruptors and nanomaterials.

***What we expect from the Commission*:**

To develop and adopt a strengthened and extended Non-Toxic Environment strategy in the line of the recommendations of the NTE studies:

- Better regulatory protection of vulnerable people across the board (in all product and chemical regulations).
- A focus on persistent chemicals.
- Identification and control of chemicals of concern, in particular EDCs, neurotoxicants and immuno-toxicants in all consumer products.
- Better implementation of the precautionary principle.
- Development of the overdue (expected by June 2014) technical guidelines to promote a consistent approach to the assessment of priority mixtures and taking account of cocktail effects across the different pieces of EU legislation.
- Better regulation of harmful chemicals in products e.g. textiles, furniture, childcare equipment, indoor air pollution of childcare establishments, hospitals and hygienic products.

[2] see point 54(iv)

CLEAN THE CIRCULAR ECONOMY: TOXIC RECYCLING

The President von der Leyen has promised that the EU will become the world leader in circular economy and clean technologies. However today many cases are reported of **harmful and even banned chemicals found in toys, kitchen utensils or other consumer products made of recycled materials**, particularly plastics. This represents a complete lack of traceability and producer responsibility with regards to the chemical content of such materials, which involves various sectors unknowingly using toxic materials to produce their products.

This situation is worsened by the current approach of the EU to grant derogations and higher concentration levels to restricted chemicals in recycled materials.

Bad press in this area risks undermining high public support for circular economy policies, which is currently high. The Commission needs to make sure that the EU citizens can fully trust products made of recycled materials.

A fundamental principle in a circular economy should be to not make new products from either virgin or recycled materials if sufficient information to ensure safety is missing. This is also the principle enshrined in REACH for recycled substances and mixtures where safety data sheets must be based on the same quality information as is available to the registrants[3]. Thus, the basic "No data, no market" principle of REACH should apply to recycled substances on their own and in recycled mixtures.

What we expect from the Commission

- ✔ Commitment to ensure the same high level of protection for environment and health for both virgin and recycled materials.
- ✔ Systematic integration of the commitment to traceability and non-toxic recycling in every EU strategy, including by developing precise actions in the new circular economy action plan, as well as in the implementation of existing laws (e.g. restriction adopted under REACH, strengthened requirements on resource use and output quality criteria in the IED BREFs).
- ✔ Withdrawing recycling exemptions for already banned chemicals in recycled materials and ensuring strict enough standards for toxic chemicals.
- ✔ Minimising of exemptions for already restricted substances within REACH and POPs regulations and the same policy is promoted in the international agreements.

[3] Article 2.7, under point d) of REACH

- ✔ Utilise the EU's product policy framework (i.e. minimum requirements, EPR, GPP, and labelling) to restrict the use of hazardous chemicals in products on the EU market and create incentives for design for circularity.

- ✔ Establishing an EU harmonised product information system[4] to relay information on chemical content of products and materials (among other environmental aspects) through the supply chain, thus unleashing material savings opportunities and progressing towards a non-toxic environment. Such system would avoid the multiplication of databases to which industry must provide product information (waste, chemicals, energy efficiency), allowing access through a unified digital platform, reducing industry administrative burden and simplifying market surveillance.

II- IMPROVEMENT OF EXISTING EU LAWS

AMBITIOUS IMPLEMENTATION AND ENFORCEMENT OF REACH

REACH and CLP regulations are the basic building blocks of the EU chemicals regulations. The Non-REACH fitness check, the REACH Review, several resolutions from the European Parliament and Council conclusions findings show the need to update and improve the implementation of these regulations.

REACH - Registration

The data collected via the two EU overarching chemicals regulations (REACH and Classification Labelling and Packaging, so called CLP) needs to be accurate and exhaustive for the EU to even hope to identify and phase out the most dangerous chemicals. But all the most recent studies on the implementation of those regulations (REACH REFIT, and Non-REACH fitness check) identified major compliance gaps. Data from the REACH Review and ECHA have demonstrated industry's levels of compliance to REACH registration obligations below 30%. This has also been a major concern for the European Parliament in the past years. We welcome the Commission and ECHA joint action plan to ensure compliance and the Commission's initiatives to raise the rate of compliance checks, encouraging the updates of the registration dossiers. However, these updates will not be mandatory in a certain timeframe and there is still lack of transparency on the non-compliant companies.

12 years have passed since the approval of REACH and still no information on the hazards of polymers has been made public through registration. Given the enormous and increasing amounts of polymers to which people and the environment are exposed to daily and their known adverse impact

[4] Ibid, p. 10

in the ecosystems and human health, increasing knowledge and transparency on the risks posed by polymers through registration cannot be delayed any longer.

Also, no registration requirements are in place for the approximately 20,000 chemicals produced or marketed in low tonnages (<1 t/year), including carcinogenic, mutagenic and reprotoxic chemicals and nanomaterials (frequently used below 1t/y). Several studies contracted by the Commission have shown that the benefits of registering low tonnage chemicals outweigh the costs.

What we expect from the Commission:

- ✔ To commit to a 100% compliance check rate by the end of this Commission's mandate.
- ✔ To ensure dissuasive harmonised enforcement and transparency measures are taken by ECHA and Member States in order to guarantee industry compliance with its registration obligations, if needed by giving new powers to ECHA (e.g. withdrawal of registration number in case of continued non-compliance) and by refusing the authorisation applications and demand for derogations to restrictions from companies that have not provided a full and accurate registration dossier.
- ✔ To ensure swift and comprehensive registration of low volume chemicals, including nanomaterials, and polymers.

REACH - Evaluation

The full potential of REACH for protecting human health and the environment from exposure to dangerous chemicals is severely hampered by the lack of compliance of registration dossiers, lengthy evaluation procedures and low output of substance evaluations, the lack of independence and clear conflict of interest of the companies providing safety data to the authorities as well as lack of regulatory follow-up actions when concerns are identified.

The burden of proof needs to remain on industry, the evaluation procedure needs to be simplified and shorter and Commission and Member States need to react more quickly to the knowledge acquired on risk in order to better protect the EU citizens and the environment.

What we expect from the Commission:

- ✔ To ensure evaluations are accelerated & their conclusions fully apply the precautionary principle, by not delaying actions under the identification, authorisation or restriction provisions when there are indications of a serious hazard and risk.

✔ To use grouping of chemicals more widely both in evaluation and in subsequent regulatory actions to avoid regrettable substitution.

✔ To ensure independent safety testing with funds from industry.

REACH - Authorisation

REACH was set out to phase out 1,400 of the most dangerous substances and to provide a powerful spur for firms to develop less harmful alternatives. A decade later, 201 chemicals are shortlisted in the candidate list of substances of very high concern (SVHC) and only 43 are subject to authorisation. The proportion of chemicals harmful to health and to the environment was also found to be unchanged[5].

The EU objective to list all relevant SVHCs in the REACH candidate list by 2020 will not be achieved.

The lack of harmonised regulatory action on SVHC across chemicals regulations is undermining health and environmental protection and coherence. For instance, SVHCs regulated under REACH such as phthalates are currently allowed in food contact materials.

Moreover, the authorisations to continue using SVHCs being granted for an excessively wide scope by the EU disincentivise the use of safer alternatives[6].

The European Parliament in 2018-2019 adopted five resolutions against individual authorisations (namely Ormezzano, DEZA, Grupa, LANXESS and Cromomed authorisations) to continue using SVHCs in the EU. In the meantime, the General Court annulled another authorisation for continued use of a substance of very high concern identifying key errors in the Commission's interpretation of the REACH Regulation, and revealing the overly lenient approach of the Commission protecting companies that essentially failed to innovate rather than the European citizens, the environment and frontrunners. The Commission shall comply with REACH and ensure that authorisations are granted only when the risks are controlled or when there is no alternative and there is a societal benefit overweighing the costs.

What we expect from the Commission:

✔ Commit to swiftly include all known SVHCs in the candidate list by 2025 and focus the resources on adding EDCs and chemicals that are persistent, mobile and toxic.

[5] See non-REACH refit.

[6] ECHA: https://echa.europa.eu/es/received-applications

- ✔ To list in the candidate list all toxic substances that are persistent, accumulate in human bodies, pre-pollute babies before birth and then after birth through contaminated breast milk, impact children's neuorodevelopment or are immunotoxic as substances of equivalent level of concern.

- ✔ To acknowledge the weaknesses in previous authorisation decisions, and the need for the Commission to respect both the European Parliament's Resolutions and the EU Court decisions.

- ✔ To support innovators/alternative providers by adopting a zero leniency policy in authorisations, that involves granting an authorisation only when companies have defined the function that they claim to need in a way precise enough to truly identify the risk and the existence, or absence, of alternatives.

- ✔ To only grant authorisations when the use applied for is essential for society as a whole.

- ✔ To change the way socio economic analyses are performed by SEAC and to not take the information given by the applicants at face value and to check with e.g. DUs and competitors whether the justifications provided by the applicants for authorisation truly prove the absence of alternatives.

- ✔ To simplify and streamline the authorisation process for the benefit of authorities and frontrunners instead of for applicants for authorisation.

REACH - Restriction

The findings from the REACH Review show the need to improve the restriction process and to implement the precautionary principle. It also acknowledged the need to scale up the concept of grouping of chemicals, where relevant, to improve regulatory efficiency, avoid regrettable substitution and avoid delayed protection of environment and health from harmful groups of chemicals such as PFAS, bisphenols and phthalates.

What we expect from the Commission:

- ✔ To implement the actions outlined by the results of the REACH Review in order to improve the restriction procedure and implement the precautionary principle.

- ✔ To put forward, as a general practice, restrictions for groups of chemicals and promote such approach from Member States.
- ✔ To tackle the issue of imported products containing harmful chemicals.

REACH – Global dimension

The EU chemicals regulation portfolio also affects non-EU countries and vice-versa.

The EU framework allows to produce substances of very high concern for export and imported products containing SVHCs, therefore countering the zero pollution strategy globally.

What we expect from the Commission:

- ✔ To extend the scope of REACH authorisation to imported articles and exported SVHC or adopt systematically parallel restrictions.
- ✔ To make sure that the REACH provisions also apply to substances, mixtures and articles exported to third countries.
- ✔ To take into account, during REACH decisions, the risks assessments generated in third countries and posed by substances under the authorisation and restriction processes in third countries.

CLASSIFICATION LABELLING AND PACKAGING OF CHEMICALS REGULATION (CLP REGULATION)

The Non-REACH fitness check has identified acute issues with the implementation of the CLP Regulation (including an overly slow harmonised classification process, a low quality of self-classification and the need to update the hazard categories).

What we expect from the Commission:

To bring into law the changes recommended by the non-REACH fitness check report, including giving new powers to ECHA and sharing the information of the registrants.

FOOD CONTACT MATERIALS

Following a critical report from the European Parliament from 2016, the Commission is working on the REFIT of the framework regulation on **materials coming in contact with our food**. It is already clear from growing evidence that harmful chemicals, such as PFAS in paper and board and phthalates in plastics, migrating from food contact materials into our food, and from the conclusions of the Non-REACH fitness check published in June 2019 that this law must be revised to ensure the safety of our food. The fact that there is no EU-level harmonisation of rules on chemicals in paper, card, inks, glues and coatings is not acceptable.

The Commission has the responsibility to ensure that consumers are protected from harmful chemicals, including endocrine disruptors, in food contact materials, including plastics.

Moreover, the Commission should deliver new EU legislation coherent with REACH that addresses harmful chemicals in all food contact materials, including paper and inks. Such a proposal is particularly urgent given that parts of the food industry are moving away from plastic packaging towards other, less regulated, materials.

The five key principles for the future legislation on FCMs, which have recently been developed by a number of NGOs should be adopted by the Commission.

What we expect from the Commission:

- ✔ To revise the existing regulation and take in order to cover chemicals in all food contact materials, including paper cardboard and inks and which is more integrated with REACH.
- ✔ To announce a detailed action plan including tight timeline for releasing the proposals for reform as soon as the REFIT is concluded.
- ✔ To guarantee that SVHCs and non-threshold chemicals including endocrine disruptors can never make its way into food contact materials.
- ✔ To support the five key NGO principles:

    1. A high level of protection of human health.
    2. Thorough assessment of chemicals in materials and final articles.

3. Effective enforcement.
4. A clean circular economy based on non-toxic material cycles.
5. Transparency and participation.

IED FRAMEWORK - Sustainable production: Promoting substitution, green chemistry and zero pollution principles.

The EU legal framework on industrial production (IED) is currently under a REFIT check. This instrument is aiming to prevent environmental impacts from large scale industrial activities, including the chemical industry. The environmental performance benchmarks are laid down in the so called Best Available Techniques (BAT) Reference Documents (BREFs). Those binding standards are aiming to prevent, and where not technically possible, reduce the environmental impacts from an integrated approach, meaning all environmental issues (air, water, resource consumption, waste generation and use of chemicals of concern) need to be addressed and optimised. One of the key BAT principles is to prevent and reduce the amount of hazardous substances (produced or used). However, the integration of substitution aspects or green chemistry principles has not been systematic. A non-binding initiative (HAZBREF) is exploring to strengthen the synergies of the various EU policy instruments to deliver the zero-pollution strategy, including the substation of the production and use of chemicals of concern.

Further a straightforward link in achieving the good ecological and chemical status of surface waters under the Water Framework Directive and strict pollution standards applying for the main industrial activities and priority (hazardous) substances is not made.

What we expect from the Commission:

- ✔ To ensure that the revised IED framework / ongoing BREF reviews do systematically incorporate the 5 key principles and set requirements for BAT ahead of relevant legal obligations (e.g. ahead of REACH authorisation procedures).
- ✔ For water; ensure strict “at the source” BAT requirements achieve the restoration of good chemical and ecological status of surface water.
- ✔ Zero discharge of PBT / vPvB (PHS substances).
- ✔ At the industry site gate compliance with MAC levels (for PS).
- ✔ Whole effluent assessment implemented in permitting.

- ✔ A stronger interlink of achievement of relevant Environmental Quality Standards, including on chemicals, and the BAT based requirements set within the sector BREFs and IED implementation.

III- OPPORTUNITIES FOR HORIZONTAL ACTION WITH SYSTEMIC IMPACT

PHASE OUT THE USE OF THE MOST DANGEROUS CHEMICALS GROUPS

ENDOCRINE DISRUPTING CHEMICALS (EDCs)

The EU strategy to address EDCs is 20 years old. Yet still, these chemicals of great concern are not properly regulated in Europe.

In 2013, as part of the 7th Environment Action Programme, Member States and the European Parliament agreed on the urgency to minimize our general exposure to endocrine disrupting chemicals linked to numerous health disorders, including hormonal cancers, obesity, diabetes, infertility or learning disabilities and costing Europe at least 163 billion euros every year. It is particularly worrying that exposure to EDCs can also lead to irreversible effects even in the next generations of citizens.

The European Parliament in April 2019, and the European Council in June 2019 and in October 2019 have renewed their call for urgent action to reduce our general exposure to EDCs. Too limited progress was achieved over the last five years in spite of the commitments under the 7th Environment Action Programme.

Ursula von der Leyen has committed in her political guidelines to tackle the issue of **endocrine disruptors**, chemicals that are particularly dangerous for pregnant women, children and teenagers because they play havoc with our hormones. A REFIT is on-going for the regulation of EDCs. Taking into account the substantial costs of inaction, including the human suffering and environmental damage, the Commission shall not delay any further the regulation of the use of endocrine disruptors in consumer goods and their release into the environment.

What we expect from the Commission:

- ✔ Commit to minimising exposure to EDCs across regulations as a starting point of the fitness check on EDCs and recognise that the specificity of EDCs requires to take the precaution of treating them as non-threshold chemicals in risk assessments.

- ✔ To develop adequate means in order to ensure the systematic identification via testing and non-test methods (following up-to-date test guidelines, methods and data requirements) of endocrine disrupting chemicals in all relevant chemical legislations reflecting the limited database on ED effects of chemicals.

- ✔ To establish an EU-list of known and suspected endocrine disruptors to inform about substances that are not allowed in consumer products and substances that must be substituted.

- ✔ To ensure that regulation on EDCs focusing on protecting the most vulnerable population is implemented in all relevant sectoral EU laws, including by prioritising first the prevention of any exposure and second exposure minimisation.

- ✔ To give full force to the precautionary principle in applying Plant Protection Products and Biocides Regulations.

NANOMATERIALS

Because of their extremely small size, nanomaterials can cross physiological barriers and, given their higher reactivity, raise risks to health and the environment. Chemicals at nano-scale effectively transform completely, and the 'fate' of these materials is still poorly understood among the scientific community, industrial producers and users of these materials, and most importantly EU citizens, yet they are increasingly common already, we must choose to prevent further risks now.

In order to safeguard the Union's citizens from environment-related pressures and risks to health and well-being, the 7th EAP commits to effectively address in the legislation, as part of a coherent approach, the safety concerns related to nanomaterials and materials with similar properties by 2020. This goal will not be achieved.

Moreover, REACH mandates the registration of nanomaterials. However, the chemical industry has already announced they will not meet their legal requirement to provide safety date of the nanomaterials placed in the market in time. This demonstrates both a lack of willingness, and worryingly a lack of ability to comply by providing a relatively basic level of information on nanomaterials in their products and supply chain, yet another gap in our understanding of nanomaterials, partly supported by a lack of legislative action thus far.

Most nanomaterials are not registered under REACH because their yearly tonnage is lower than the legal threshold. Nevertheless, because of their smaller size, nanomaterials have a higher reactivity and thus need to be used in lower quantities, compared to classic substances, to provide the intended properties. In France, the r-nano register shows that it is possible (producers or importers must fill a compulsory declaration for any nanomaterial above 100 grams per year). An EU register of nanomaterials, as requested by Member States and NGOs for several years, would then

be made possible. Such data and tools are essential in order to better assess exposure and risks of nanomaterials on the market, and to protect human health and the environment.

What we expect from the Commission:

- ✔ To include in the Zero-pollution/Non-toxic Environment strategy measures regarding nanomaterials risk assessment and management as urged by the European Council in October.
- ✔ To make sure that nanomaterials are properly addressed in the EU regulatory framework and the definition acknowledges environmental or health considerations.
- ✔ To ensure proper enforcement by Member states of the current legal requirements (under REACH, nanomaterials in food, cosmetics and biocides).
- ✔ To require low tonnes registration requirements; [nano] labelling in other products; and information on nanomaterials presence, risks and protective measures on SDS.
- ✔ In addition to “nanomaterials” as such, to also adapt the regulatory framework to the so-called “next generation” of nanomaterials.

MERCURY

Mercury is a heavy metal and a dangerous neurotoxin that pollutes the environment, is taken up through the food chain and can damage the nervous, renal and cardiovascular systems.

Methylmercury, its most toxic form, readily passes both the placental barrier and the blood-brain barrier, therefore, exposures during pregnancy are of highest concern. Mercury is persistent and a global pollutant.

The EU has adopted the Mercury Regulation in 2017, which together with other existing laws is taking measures to protect citizens from this neurotoxin.

But mercury is still not fully banned from dental amalgam or fluorescent lamps even though the use of mercury in dental amalgam is the largest use of mercury in the EU and a significant source of pollution.

The Commission needs a clean plan to fully phase out this harmful chemical and to make sure that the existing restrictions are well enforced at national level.

What we expect from the Commission:

- ✔ Commitment to make sure that Member States enforce the current restrictions on mercury concerning its use, trade, disposal, emissions and releases.
- ✔ Commitment to strengthen the Minamata Convention by broadening the scope of products and industrial processes, where mercury should be phased out, as well as sources of emissions.

TRANSPARENCY ON SUBSTANCES IN PRODUCTS ALONG THE LIFE CYCLE

Tracking substances of concern is needed to ensure their identification and safe-use throughout the articles' life-cycles. Tracking is currently made solely on a voluntary basis by very few sectors, in a non-harmonised hence not most effective way. A legally binding obligation to ensure traceability is a fundamental tool to prevent the presence of highly toxic chemicals in consumer products, namely in toys, textiles, food packaging, furniture, etc. A system based on a 'right to know' for supply chain operators, authorities and consumers should be the basis for a broad disclosure scope, making "any supplier" responsible for sharing data "with sufficient information to allow safe use" of the chemicals contained in the product, during the whole life cycle. The information communicated should comprise, at least: the name, composition, concentration of the substances contained in the article but also risk management measures and the localisation of the substance.

The tracking system should be harmonised among different EU regulations and sectors to guarantee more efficiency, reduce administrative costs due to duplicating schemes and/or obligations, permit the application of the "report once, use several times" principle.

A full disclosure extension will also contribute to the enforcement of separate collection requirements for waste containing hazardous substances, help prevent dilution of hazardous substances into clean streams as well as lighten the burden placed on end-of-life operators that bear the economic costs of analysis and decontamination and handle potentially hazardous waste streams.

Moreover, ECHA has a growing role in the implementation of chemical regulations, and has now the very important mission to set up a database of SVHCs in materials and waste by 2020 under the Waste Framework Directive (the so called SCiP database) in order to close the worrying gap of knowledge on chemicals in materials, articles, products and waste.

The Article 9 of the Waste Framework Directive No 2018/851 should be used in this regard and might eventually be adapted to this general traceability objective, being used from the production of the substance to its end-of-life and/or recovery, if legal frameworks allow future developments of this tool.

What we expect from the Commission:

- ✔ To make the disclosure of chemicals in products along the supply chain and to consumers a priority and develop a harmonised legally binding requirement for full disclosure substances in materials, articles, products and waste
- ✔ To acknowledge the importance of the database on SVHCs in products and the need for ECHA to make it an ambitious and effective system as well as to receive the needs to achieve this goal.

ACCELERATED EU PLANS FOR SUBSTITUTION

Many pieces of EU legislation (RoHS, OSHA, POPs, etc.) promote, together with REACH, the substitution of hazardous substances. The 7th Environment Action Programme (7th EAP), adopted in 2013 by the European Parliament and the Council, mandates the European Commission, inter alia, to develop by 2018 "a Union strategy for a non-toxic environment that is conducive to innovation and the development of sustainable substitutes including non-chemical solutions".

The NTES Study identified multiple actions to encourage substitution of hazardous chemicals with safer alternatives, including:

- streamlining the existing legislation and strengthening its enforcement (e.g. increase information requirements for low production volume substances; coordinate substitution initiatives across Member States around prioritised chemicals of concern; extend the use of chemical grouping strategies to avoid regrettable substitution; dedicate more resources to enforcement).

- the use of economic instruments (e.g. tax the use of hazardous substances; enhance government green procurement programmes, considering the functional substitution of hazardous chemicals).

- initiatives that support companies in their substitution efforts (e.g. develop tools to track hazardous chemicals in articles; fund further research into alternative assessment methodologies; scale-up research on grouping strategies based on similarity of chemical structures and trends in (Q)SAR predictions).

The development of these actions needs a strong political commitment that coordinates and builds synergies to implement the substitution obligations of the different EU legislations and policies. The actions to promote substitution under REACH should be part of a wider Union strategy as outlined by the 7th EAP that coordinates and builds synergies to implement the substitution obligations of the different EU legislations and policies.

What we expect from the Commission:

- ✔ To show leadership from its political and government bodies, including the Commission, the Council and the Parliament to promote substitution and to build engagement among the many different EU institutions and stakeholders involved.
- ✔ To develop an accelerated EU-wide substitution strategy that ensures, among other measures, financial incentives for green chemistry, substitution, innovation and clean production.

ALIGN THE GOVERNANCE OF CHEMICALS REGULATIONS WITH THEIR ENVIRONMENTAL PROTECTION AMBITION

The von der Leyen Commission's political guidance sounds very green but needs practical rearrangements to become true.

The European Green Deal and its zero pollution strategy are a priority for the new Commission. However, the prioritization of environmental protection should be embedded in the governance of its key regulations, including the chemicals regulations. In practice, it would mean that sectors and chemicals policies relevant to chemicals should be the responsibility of DG Environment including (but not only) hazardous chemicals (REACH, and CLP), POPs, RoHS, pesticides, air and water quality, emissions, endocrine disruptors, nanomaterials, circular economy, etc. Adequate resources should be provided to DG ENV and ECHA to manage the additional workload.

Only this way, the Commission's governance would become an enabler of the transformation aimed at by the Green Deal, and of the results required by the zero pollution ambition.

What we expect from the Commission:

- ✔ To reorganise the Commission's organigram in order to give DG ENVIRONMENT full responsibility on chemical pollution related policies.

✔ To provide adequate resources to DG ENV and ECHA to manage the additional workload.

REFIT THE REFIT

During the last mandate, the Commission has been particularly slow and inefficient when making regulatory proposals to protect its citizens and environment despite the substantial costs of inaction. The general lack of transparency on the timing, scope and outcome of the many chemical related **Fitness checks and reviews** launched under the REFIT programme is worrying. There were repeatedly delays in the release of the conclusions from the REFITs and Fitness checks (e.g. the conclusions to the REFIT on PPPR are still not published; the non-REACH Fitness check was published a day and a half before the High Level Conference organised to discuss its findings, and only after pressure from NGOs) with a total lack of clarity on the reasons for the delays.. Finally, REFITs are not always followed with an action plan (for example cosmetic REFIT, non-REACH REFIT or the chemicals-products-waste interface communication).

What we expect from the Commission:

✔ Commitment to stop delaying important actions and improve transparency, in particular on the reasons for inaction.

✔ Commitment to always publish and implement an action plan to solve the gaps identified.

INTERNATIONAL CHEMICALS AND WASTE FRAMEWORK

In October 2020, a new international framework for the sound management of chemicals and waste will be agreed on at the Fifth Meeting of the International Conference on Chemicals Management (ICCM5), as SAICM has not achieved its goals.

Additionally, the EU is party to the Stockholm Convention with the objective to protect human health and the environment from the world's worst chemicals, Persistent Organic Pollutants (POPs). However, the EU still allows the use of several POPs through a series of exemptions, which results in serious contamination of humans and the environment. These include recycling exemptions for flame retardants that contaminate the circular economy and affect the reputation of the recycling sector (TetraBDE, PentaBDE, HexaBDE and HeptaBDE).

What we expect from the Commission:

✔ Commitment to high-level political ownership that prioritises prevention and precaution, full implementation of the chemical safety contributions to the SDGs, and in the frame of a new SAICM, covering chemicals and waste, funded obligatory national action plans, open, inclusive and transparent multi-sectoral and multi-stakeholder participation, the support of an enabling framework, a

mechanism to move unachieved work on issues of concern to a level with increased obligations, and a reform of the Special Programme.

- ✔ Withdraw the existing exemptions in the Regulation on POPs that still allow to continue the use of certain POPs, and commitment to list new POPs under the Stockholm Convention on POPs with no exemptions

OTHER ISSUES RELEVANT TO CHEMICALS POLICY

PESTICIDES

The 2018 study carried out for the Commission in the context of the Plant Protection Product REFIT and the report of the Commission on the Sustainable Use Directive has identified poor implementation by Member States as a major barrier for achieving the goals to protect human health and the environment of the Pesticides Regulation. It is for example well known that Member States have abused their right to grant emergency authorisation of a banned pesticides to companies.

The Commission has the responsibility to tackle this implementation deficit as the guardian of the Treaties and use the enforcement tools (e.g. infringement proceedings) at its disposal.

The **glyphosate** crisis and inquiries from the European Parliament that followed showed that one of the issues with the current pesticides authorisation system is that the safety data provided by the applicants are taken at face values while studies conducted by independent researchers are not given sufficient weight. Pesticide products are not sufficiently assessed for carcinogenicity and long-term toxicity, which does not comply with the precautionary principle. The Commission should apply a more critical approach of the safety data provided by the companies, taking into account their inherent bias.

Finally, in order to give full effect to the EU initiatives related to environmental monitoring and human biomonitoring, the Commission should ensure that the sustainable use directive is fully implemented and that the **full mapping of pesticide use** in the EU is finally done.

What we expect from the Commission:

- ✔ To implement properly the EU pesticides regulation and the precautionary principle and ensure that risk assessment methods are overhauled to be scientifically rigorous and objective, as described in the manifesto "RIGOROUS SCIENCE, SAFE FOOD , AND A HEALTHY ENVIRONMENT".

- ✔ To identify the implementation and risk assessment deficits and to prioritise the control of the implementation of the sustainable use directive, giving priority to non-chemical alternatives and reducing pesticide use as well as the need for pre-market long term toxicity knowledge.

- ✔ To ensure full enforcement and transparency while avoiding conflicts of interests.

ANNEX II - ACTION PLAN

The actions recommended below are supported by the although many of them were **identified as necessary actions for the EU by the many studies conducted or ordered by the Commission**, including the REACH review, the non-REACH chemical fitness check the chemicals, products and waste interface and last but not least the Non-toxic Environment Study.

The EU has invested **significant resources, human and financial, in getting answers on how** to fix what continues to stand in the way of the EU and the Member States to **effectively prevent people and the environment from being exposed to harmful chemicals**.

The new Commission has the amazing opportunity to use this hard-collected knowledge **to start acting without delay.**

EU STRATEGIES

The EU strategies need in priority to facilitate the coordinated, coherent and speedy implementation of the actions recommended below.

Instrument	Action needed	Type of measure	Time horizon
2030 chemicals policy strategy	Develop a **long-term overarching chemicals regulatory framework for 2030 and beyond** as a follow up of the current work	White paper, strategy	By 2020
Green deal: Zero-pollution strategy	Non-toxic Environment: Make the Non-toxic Environment Strategy a strong part of the Zero-Pollution Strategy and horizontal to other relevant strategies such as Circular Economy, farm to fork and Biodiversity, and learn from the data collected in the Non-Toxic Environment Study and from its recommendations.	Political commitment	Q1 2020

	Clean Air: - develop a strategy to tackle indoor air pollution, including chemicals released from furniture, home improvement supplies and appliances/products. - develop a strategy to make schools, playgrounds and other areas where children spend major time pollution-free zones. Clean Water: - The goals to improve the chemical status of water are linked to specific action plans involving new restrictions under REACH and the product regulations. Clean Production and Products: Adopt a sub-strategy on Clean Production and Products for the non-toxic environment, that: - Prevents the use of harmful chemicals and make a quick substitution towards safer alternatives the goal of the chemical chapter of the zero-pollution strategy. - Adopts a detailed action plan to promote early substitution of substances of concern by safer substances, materials or technologies following the recommendations of the non-toxic environment study. - Prioritises the issue of chemicals in products, particularly for textiles, furniture, childcare equipment, electronics, packaging and construction materials/home improvement supplies. - Prioritises the elimination of Very Persistent Chemicals, EDCs and neurotoxicants. - Prioritises the protection of Vulnerable populations.		
Gren deal: Circular economy Action plan 2	Interface between chemicals, products and waste legislations: - Develop a legislative proposal on a public information system on substances present in materials, articles, products and waste. - Publish an action plan to detoxify the circular economy. - Systematically integrate the commitment to traceability and non toxic recycling in every EU strategy, including by developing precise actions in the new circular economy action plan, as well as in the implementation of existing laws (e.g. restriction adopted under REACH).	Political commitment Legislative proposal	Q1 2020

	- Stop new and withdraw existing exemptions for recycled materials containing restricted chemicals and ensure strict standards for toxic chemicals within REACH and POPs regulations and the same policy is promoted in the international agreements. - Develop a comprehensive definition of substances of concern that includes: - All substances meeting the properties referred to in Article 57 of REACH Regulation (EC) No 1907/2006; this would consequently cover substances identified as category 1A and 1B carcinogenic, mutagenic, toxic for reproduction – referred as "CMRs"[7], very persistent and very bioaccumulative substances, persistent bioaccumulative and toxic substances, endocrine disruptors, neurotoxins and sensitisers. As an example of good practice, the EU Ecolabel scheme has adopted cut-off criteria, prohibiting the use of substances meeting the properties of Article 57 in Ecolabelled products[8]. - substances listed in Annex VI of the CLP Regulation for classification of a chronic effect as referred into the Commission's proposal, but also substances of concern for the environment; - substances regulated under the Stockholm Convention (POPs); - specific restricted substances listed in Annex XVII to REACH; - specific substances regulated under specific sectorial/product legislation such as the mercury regulation, the toys regulation, the restriction of hazardous substances in electrical and electronic equipment regulation, etc. - other substances of equivalent level of concern. - Adapt the General Product Safety Directive (GSPD) to make it a General Product Sustainability and Safety Directive (GPSSD) to ensure safety, circularity and		

[7] It must be highlighted that the 2018 REACH REFIT evaluation recognised that the regulation still fails to properly apprehend and regulate CMRs category 1A and 1B manufactured or imported in quantities lower than 10 tonnes per year, implying that more regulatory actions are required to properly regulate these substances; having these substances identified as substances of concern could be a way to bypass this shortcoming;

[8] European Commission Joint Research Centre, Findings of the EU Ecolabel Chemicals Horizontal Task Force, Proposed approach to hazardous substance criteria development, specifically Appendix 2, 24th February 2014, available at: http://ec.europa.eu/environment/ecolabel/documents/Chemicals%20HTF_Approach%20paper.pdf

	sustainability considerations from the design stage and include a systematic life-cycle approach. Additionally, the Ecodesign Directive[9] must include considerations on chemicals of concern and promote the use of non-toxic reusable and recyclable materials. - Use more systematically the extended producer responsibility (EPR) schemes to address the use of chemicals of concern in products. It must encourage substitution of substances of concern in products from the production – and not solely at the waste management phase –, while penalising the use of substances of concern. - Enforcement of existing obligations as regards the presence of substances of concern in imported articles as well as reinforcement of compliance checks on safety data sheets, and control of imports in Member States are necessary. - Halt contributing to double standards consisting in allowing the production of substances of concern restricted or subject to authorisation in the EEA market, as it actually enables unethical export of these harmful substances to third countries. - Define the criteria qualifying end-of-waste and harmonise it at the EU level. the criteria shall ensure the best health and environment: The end-of-waste criteria should not permit the presence of substances not allowed in virgin materials and not allow more lenient thresholds than for virgin materials. The development of the criteria should guarantee the highest quality for the reused or recycled material. - Ensure the approximation of the chemicals and waste provisions, with the CLP Regulation taken as a reference and most suitable framework to manage the hazards of chemicals at the end-of-life stage. <u>Production</u> - Product requirements include traceability of the full chemical composition of the materials manufactured or used throughout their entire life cycles as well as the substitution of substances of concern by safer alternatives.		

[9] Directive establishing a framework for the setting of ecodesign requirements for energy-related products, No 2009/125/EC 21 October 2009

	- Support design for circularity by using product policies, such as the Ecodesign Directive, the Packaging and Packaging Waste Directive, or other dedicated product specific legislation as appropriate, to introduce requirements for substances of concern with the purpose of enabling circularity. Thereby better utilise the EU's product policy instruments (minimum product requirements, EPR, GPP, and product labelling) to create (regulatory, market based and information) drivers towards improving product design in relation to chemicals. <u>Consumption</u> The presence of substances of concern throughout the material/product life cycle is an important element of the assessment of and information on the health and environmental footprint. The strategy using an umbrella approach on chemicals in products (in the logic of Water Framework Directive). <u>Focus on specific sector:</u> The sub-strategies for Plastics, Textiles, Construction, Food and Electronics fully integrate the need to prevent the use of harmful chemicals and to ensure the traceability of the chemical content of materials and products.		
Green deal: Biodiversity strategy	- The Biodiversity strategy fully integrates the need to prevent the use of chemicals harmful for the environment, including pesticides, biocides, EDCs and very persistent chemicals. - The Biodiversity strategy aims at improving knowledge on the presence of harmful chemicals in soil from human sources and at remediation to this pollution – including the 2.5 million of contaminated sites in the EU.	Political commitment	Q1 2020
Green deal: farm to fork strategy	The Farm to Fork strategy takes a holistic approach to the environmental impacts of the EU's food system, including, in relation to chemicals, but not limited to: - Reducing dependency on pesticides by promoting agroecological practices, including organic farming, and integrated pest management (IPM), with a view to reduce pesticides use by 80% by 2030; - Phasing out the preventative use of antibiotics in animal farming by 2025; - Setting a target for at least halving losses of nitrogen to the environment from agriculture by 2030;	Secondary legislation Administrative practices	2025-2030

Non Toxic Environment Strategy (7th and 8th Environmental action plans)	- Develop and adopt the NTE strategy by 2020 in the line of the recommendations of the NTE studies. - Re-address, strengthen and extend the 7EAP's Non-Toxic Environment political commitment under the 8EAP.	Secondary legislation Administrative practices Political commitment	Q1-Q2 2020

IMPROVEMENT OF EXISTING EU LAWS

Sector	Instrument		Action needed	Type of measure	Time horizon
Clean Production and Clean Products for a non-toxic circular economy	**Industrial chemicals**				
	REACH	Horizontal:	- Allocate to ECHA a budget representative of the need to ensure compliance and its growing responsibilities (including SCiP database, POPs Regulation, PIC Regulation, Biocides Regulation, establishment of occupational exposure values, etc.).	Budgetary decision	Annually

			- Update requirements for chemical safety assessments to take into account life cycle stages other than manufacture and use in the production process, such as waste.	Budgetary decision (funding) Changes of administrative practice Secondary legislation	From 2020
			- Guarantee consistency between chemicals regulations. This should start by ensuring that any substance identified as a SVHC under REACH should be heavily restricted across legislations, including Water Framework Directive, Toys Directive, Food Contact Materials legislation, etc.	Secondary legislation	From 2020
		Registration:	- Expand information requirements under Article 138 to polymers and of low / production volume substances, including nanomaterials and CMRs.	Secondary legislation Change of administrative practices	From 2019

			- Create incentives to compliance via support, transparency and dissuasive sanctions.	Change of administrative and enforcement practices	From 2019
			- Clarify competences to withdraw incompliant registration dossiers.	Implementing act	2020
		Evaluation	- DGs GROW and ENV to fully support ECHA by any means available and make the ambitious and quick implementation of the joint Evaluation Action plan a priority. - Create a fund, fed by industry fees but managed independently, that could be used to pay for independent safety testing.	Political commitments Change of Administrative Practices Secondary legislation	2019-2024
		Identification of Substances of Very high concern	- Include 1,500 SVHCs in the candidate list by 2025. - Extend Art 57(f) substances of "equivalent level of concern" to all EDCs, PMT, neurotoxicants,	Political Commitment from Commission and Member States	2019-2025

			immuno-toxicants and substances found in our bodies and breast milk. - Enforce the poorly implemented 'right to know' on substances of very high concern in consumer articles (REACH article 33).		
		Authorisation	- Develop guidance to shifting the risk of uncertainties related to the availability of alternative(s) in general and specifically to the applicant and requesting a substitution plan when an alternative is suitable in general but not yet for the applicant because of unique circumstances. - demand SEAC to address the issues of discount rate, essential uses and underestimated social and economic costs. - introduce proposals through the	Change of Administrative Practices	From 2019

			authorisation taskforce work to simplify and streamline the authorisation process for authorities and frontrunners.		
		Restriction	- Create and implement the REACH review's follow up action plan on restriction. - DG GROW and ENV to systematically favour grouping of chemicals approach to avoid regrettable substitution and promote such approach from Member States. - Address the issue of imported products containing substances of very high concern and export of SVHCs, including by: o Better controlling online sales. o Restricting the presence of SVHCs in imported	Secondary legislation Change of administrative practice Political commitment	From 2019

			products which use has not been authorised in the EU. o Banning the export of SVHCs outside Europe. o Extending the possibility to adopt 'simplified' restrictions under REACH for consumer products (article 68.2) to very persistent and endocrine disrupting chemicals (in addition to CMRs). - Address the issue of the contribution by the EU to the global pollution by systematically and rigorously applying the same restrictions to sales in and outside the EU. - End longstanding pattern where the committees appear willing to accept derogations proposed by industry at face value,		

			whether or not properly supported by evidence. - The change of scope of restriction proposals should always be properly justified, especially in the light of the precautionary approach guiding the implementation of REACH. - Set the same standards for virgin and recycled materials as a general rule, and only propose and adopt derogations for recycled products when use is ensured in strict closed-loops, a system is in place to ensure full traceability of the material in the entire life cycles, and these recovered materials are not used for sensitive applications, such as consumer products, as well as emissions into the environment. Persistent organic pollutants (POPs),		

			PBTs and vPvBs, endocrine disruptors or CMRs cannot be allowed a derogation under any circumstances.		
	CLP		Follow up the non-REACH REFIT recommendations of: <u>Quick and efficient harmonised classifications:</u> - Grant to ECHA (upon request by the Commission) the power to propose harmonised classifications. <u>Accurate Self-Classifications:</u> - Amend CLP to grant new authority to ECHA to control the self-classifications, promote and make mandatory the coordination in self-classifications – similar to the REACH OSOR principle, and enforce the rules on self-classifications.	Secondary legislation and/or change of administrative practice	From 2020

		- Amend CLP to grant to ECHA the power to publish and share the identity of registrants in order to avoid duplications and divergencies in the classification of the same substance. <u>Scope of hazards covered:</u> - Amend CLP to expand the hazard categories to PBTness, PMTness, EDCness, neurotoxicity as well as impact on terrestrial toxicity and immunotoxicity.		
	Chemicals in Products			
	Legal framework on Products	In line with the logic that guided the adoption of the EU Water Framework Directive, bring a holistic and coherent approach to end the fragmentation of protection between several sectoral legislations. This should translate into the **proposal of a new framework for Products**	Primary legislation	From 2020

		Regulation to address harmful chemicals in materials and products (following the recommendations of the Non-Toxic Environment study).		
	Database on Substances of Concern in Products	- Support ECHA to finalise the creation of the SCiP database and its good functioning and maintenance.	Budgetary decision	Annually
		- Make the creation of SCiP database useful for consumers and waste managers a political priority and a first step towards the full traceability of chemicals in materials and products.	Political commitment	2019-2024

	Food contact materials	Review the EU regulatory system on Food Contact Materials and propose a detailed action plan for a reform including tight timeline, based on the outcome of the ongoing REFIT the 5 new key NGO principles for future legislation and existing health and consumer protection concerns, in particular: - As recommended by the Non-Toxic Environment study, enact specific EU rules for the 13 types of food contact materials which are so far not covered by any specific legislative measures at EU level, starting with those where chemical contamination problems have already arisen, e.g. printing inks migrating into food, bisphenols fluorinated substances, and	Implementing legislation and primary legislation	From 2021

		other harmful chemicals in paper/board packaging. - Include cut off criteria for SVHC and chemicals for which no threshold has been established, including persistent chemicals, endocrine disruptors, nanomaterials, carcinogens, mutagens and reprotoxicants for all materials, including plastics.		
	Plastics, textiles, construction & electronics in the circular economy package	- Include prevention of the use of harmful chemicals and the traceability of the chemical content of materials and products in the initiatives related to these group of products. - Create a system for consistent definitions, classification and functions of chemicals, and support awareness over functional	Political development Support to research and innovation	Q1 2020

		/application related substitution (rather than chemical-by-chemical substitution).		
	POPs Regulation	- Withdraw the existing exemptions in the Regulation on POPs that still allow to continue the use of certain POPs. - Commit to list new POPs under the Stockholm Convention with no exemptions.	Political Commitment Secondary legislation	From 2019
	Ecodesign and minimum product requirements	- Use ecodesign and other minimum product requirements (e.g. essential requirements for packaging) to restrict harmful chemicals from being included in products put on the EU market - Build on the restriction of Halogenated Flame Retardants (HFR) in displays under the ecodesign directive and identify low hanging fruit for future restrictions	Political Commitment Secondary legislation	From 2019

	Extended producer responsibility (EPR)	- Use extended producer responsibility and other related market-based instruments to incentivise prevention of the use of harmful chemicals beyond the minimum requirements - Create incentives with the same measures to support traceability and transparency which goes beyond the minimum requirements - Integrate the issue of hazardous chemicals into the Member State guidance on EPR modulation (to be published Q1 2020)	Political Commitment Secondary legislation	From 2019
	Green Public Procurement	- Make Green Public Procurement the default by revising the public procurement directive - Award procurement contracts to manufacturers and service providers who go significantly beyond the minimum requirements based on GPP criteria	Political Commitment Secondary legislation	From 2019

	EU ecolabel and product labelling	- Only award Type 1 Ecolabels or allow green claims for products which represent best practice on chemicals in that product group	Political Commitment Secondary legislation	From 2019
	Mercury	- Present an action plan to fully phase out mercury use from dentistry. - Take a decision to phase out the use of mercury in fluorescent lamps mainly CFLs and LFLs and revise as relevant exemptions under the RoHS.	Implementation of the law and new legislative proposal as relevant Revision of existing directive	2019- before 2030 ASAP and not later than 2021 – EC consultants had proposed January 2018 for the ban
Environment	Pesticides	- Launch infringement proceedings when violations of EU law are identified, and in particular to launch infringement proceedings against the well documented abuse, by the Member States, of their right to derogate to pesticides bans. - Ensure full enforcement and	change of administrative practice	From 2020

		transparency on who complies and who does not and on safety data following the implementation of the General Food Law reform. - Require risks assessments to evaluate long term toxicity not only of active ingredients but also of pesticide products before they reach the market. - Continuously require from EFSA the strictest approach to the prevention of conflict of interest. - Systematically integrate and give full weight to independent studies on pesticides. - Avoid 'copy paste' of industry data in EFSA and Commission documents: exercise a real peer review/evaluation for the data.		

		- Develop a mapping of pesticides.		
	EU Soil Framework Directive	Adopt an EU Soil Framework Directive for soil protection, taking full account of chemical contamination. Engaging with local communities will be key to take into account geographical specificities while a detailed set of indicators developed at EU level will make sure that soil quality will be equally assessed within the EU. This will also be essential to achieve, inter alia, SDGs 2 and 15.	Political commitment and primary legislation	2025
	risk assessment of bees	The Commission to adopt EFSA's 2013 guidance on the risk assessment of bees, and EFSA and the Member States to apply it in their assessment of active substances and pesticides products.	Secondary legislation and administrative practices	2020
Finance/Investment	Sustainable finance taxonomy	- Apply the 'polluters pay' principle by requiring 0.1% levy	Ongoing – primary legislation	From 2019

		on EU chemical industry sales. - Integrate, in the current work on sustainable finance taxonomy, the impact of harmful chemicals manufactured, used in production or present in products, in the rating of the environmental performance in order to reward innovative alternative providers and create incentives for substituting the use and production of groups of harmful chemicals.		
	EU funding	- Commit to prevent the use of known or suspected group of harmful chemicals and to substitute them with safer alternative substances, materials or technologies. Make it priority criteria for eligibility to EU funding. - Stop subsidising harmful practices for	Political Commitment EU funding framework	From 2020

		human and/or environment and use the budget for the European Green Deal.		

OPPORTUNITIES FOR HORIZONTAL ACTION WITH SYSTEMIC IMPACT

Horizontal issue	Action needed	Type of measure	Time horizon
Substitution	- Establish an Inter-authority Substitution forum and of an EU standalone stakeholder forum on substitution. The staff capacity to support substitution of the Commission, ECHA and MS authorities needs to be increased. - Establish an EU Substitution Support Office and network of substitution support centres that provides technical support for SME all around Europe. ECHA's network of National Helpdesks could be used for this purpose, in particular now that the last registration deadline has passed.	Secondary legislation Changes of administrative practice Budgetary decision	2021
Speed up decisions	<u>Regulatory processes</u> - integrate in all regulatory processes the duly application of the precautionary principle and the hierarchy of actions in risk management that prioritises prevention, elimination and substitution over control measures. - Improve coordination and internal organisation of EU Agencies to 1) make regulatory processes more efficient and 2) ease the burden on public authorities proposing the identification and/or control of harmful chemicals. - Facilitate the regulatory processes and ensure that the prioritization of environmental protection is embedded in the governance of key regulations, sectors such as chemicals policies should be the sole responsibility of DG Environment including (but	Changes of administrative practice and budgetary decision	2021

	not only) hazardous chemicals (REACH, and CLP), POPs, RoHS, pesticides, air and water quality, emissions, endocrine disruptors, nanomaterials, circular economy, etc. Adequate resources should be provided to DG ENV and ECHA to manage the additional workload. <u>Efficiency and Effectiveness</u> - Systematically prefer grouping approach for identifying the hazards or adopting or amending a restriction. <u>Coherence</u> - Improve the synergies between EU regulations to avoid duplication of efforts and maximise the effects of each action, for example automatically banning the use of SVHC (REACH) in all sensitive consumer products (toys, FCM), or deciding on the priorities in chemical restriction by learning from the information collected under other legislations, e.g. WFD etc. <u>REFITs and reviews</u> - REFIT the REFIT programme and evaluate its effectiveness, coherence, efficiency. - Stop paralysis by analysis caused by REFIT and prioritise regulatory action when sufficient information is available on the need to act or the costs of inaction. - Cancel the 'one in, one out' principle and focus on the quality rather than the quantity of the EU regulations. Publish a clear organigram with the roles of the different officials and directorates and reasons for delayed action/commitments.	Changes of administrative practice Secondary legislation, Administrative practice Changes of administrative practice and political commitment	From 2019 From 2020 From 2019
Phase out the use of the most dangerous chemicals groups	<u>Endocrine disrupting chemicals (EDCs)</u> - Make a plan with timetables to implement regulation of EDCs and suitable EDC criteria in all relevant EU laws to identify and minimize exposures to EDCs, including: • Strict implementation of ED provisions in REACH, PPPR and BPR. • Up-date of standard information requirements to cover all relevant ED-endpoints.	Secondary legislation Administrative practice	2019-2024

	• Up-date of the Cosmetics regulation (art. 15(4)), Food Contact Materials regulation and Toys regulation. • Create synergies between EU Regulations, including the the overdue "communication" between REACH and FCM. -Fully carry out the fitness check on EDCs and commit to use its outcome to fix existing protection gaps regarding EDCs in all EU regulations across sectors and products. This should include the regulation based on suitable EDC criteria and EDC lists in all relevant EU laws reflecting the different access to data to identify and minimise exposures to EDCs. - Without waiting for the results of the fitness check, obligations to test for endocrine disruption to the best level of the available methods should be introduced in all relevant laws, starting with cosmetics, FCM and CLP legislations. Speedy amendments of test requirements for EDCs in all relevant regulations (starting with REACH) can happen as soon as possible. - Establish a list of groups of known, presumed and suspected EDCs, making full use of all available scientific data in the peer-reviewed literature and lists in order to: - inform regulatory action and legal requirements in relation to EDCs under the regulations relying on pre-identified list of hazardous chemicals including products and environmental legislations (e.g. Water Framework Directive), - expand the obligations under Waste Framework Directive to protect the circular economy. This list will help companies to identify the substances that should not enter their products if they are sold to consumers or aimed for sensitive applications and the substances to consider without delay for substitution. It will also be the basis for actions aiming at informing the public about substances with endocrine disrupting properties. <u>Persistent chemicals</u> By 2025, adopt implementing decisions or amendments of existing regulations to ensure that all known and suspected PBT, PMT, vPvB and vPvM are phased out using a grouping approach in order to avoid regrettable substitution.		

Transparency of industry data on the safety of the chemicals they produce, use or sell	- In the line of the recent reform of General Food Law: Ensure access to all information relevant to understand the health and environmental impact of chemicals, including their volumes, location, properties, function, guidelines on safe use, raw data on safety and concentration as well as information about process and decisions concerning the management of their risks. - Request ECHA to increase transparency on the registered chemicals under REACH (especially on the levels on compliance of registration dossiers and non compliant companies) and, in line with the PRTR database, disseminate the use and production of SVHC in Europe searchable by substance, company, location/country, etc.	Changes of Administrative practice Secondary legislation	From 2020
Most vulnerable population	- Publish an action plan to protect most vulnerable populations that is underpinned by the precautionary principle across legislations. As recommended by the non-toxic environment study: - Add provisions referring to specific windows of vulnerability in human development and in species in the EU legislation, for instance in the Directive on the safety of toys, cosmetics and food contact materials and water legislations. - Include references to vulnerable groups across all regulations pertaining to chemicals, food, safety at work, products and environment to ensure consistency. - Based on the model of the Toy Directive and the logic of additional protection for children, extend, the safety regime to all products to which children are widely exposed, such as furniture, bedding, clothing and care products.	Action Plan Secondary legislation Administrative practice Secondary legislation and administrative practice	From 2020
The combination effects of chemicals - Chemical mixtures	- Develop the overdue (expected by June 2014) technical guidelines to promote a consistent approach to the assessment of priority mixtures across the different pieces of EU legislation.	Secondary legislation	From 2019
Risk assessment	- develop a cross sectoral risk assessment approach that is updated to the latest independent scientific knowledge and methods addresses real life exposures along the whole life cycles as well as provides that safety testing of chemicals is carried out by independent laboratories, with the process being paid for by an industry-supplied fund that is managed by an independent public body such as ECHA and or EFSA.	Secondary legislation Administrative practice	From 2020

	- apply a more critical approach of the safety data provided by the companies, taking into account their inherent bias and ensures products to be sufficiently assessed for long term toxicity.		
Nanomaterials	- Make sure that the clause in the EC 2011 recommendation of definition for the term "nanomaterial" keeps the possibility to lower the 50% threshold for environmental or health considerations and therefore regulate them (under REACH, and also with regard to labelling requirements, workers' information, recycling, etc.). - Press Member States to enforce current [nano] labelling requirements regarding nanomaterials in food, cosmetics and biocides. - Require [nano] labelling in other products and information on nanomaterials presence, risks and protective measures on SDS. - Make a proposal for an EU register of nanomaterials including “next generation” of nanomaterials, as requested by Member States and NGOs for several years.	Primary and secondary legislation Administrative practice	From 2020
Equip the EU of the best early warnings system in the world	- Develop by 2020 regulatory tools that can take early action on early warnings – and to extend early warning systems for key chemicals and species. -Develop a legal requirement to companies marketing chemicals to monitor their presence in all life cycles and include findings in risk assessments. - Create by 2023 a system of early warnings, in the form of a industry funded open access database of chemical risks fed by independent research on chemical hazard as well as by data on chemical burden in human bodies and ecosystem collected by Member states, appropriately staffed and that will be used to prioritise regulatory actions. In particular, as recommended by the non-toxic environment study: Produce a comprehensive, longitudinal human species and ecosystems data bank that includes: - Harmonised environment and health indicators. - Human biomonitoring (HBM) data collected by companies marketing the chemicals, and routinely included in risk assessments for all life stages and translated into daily exposure estimates. - HBM data that reflects the total exposure from all sources, and complement this with data on individual susceptibility based on gender, age genetic background and body	Regulatory tools Regulatory proposal Budgetary decision including EU funding Administrative cooperation and practices	From 2020

	composition, living environment (urban vs rural), lifestyle habits, medical history, etc. in order to determine additional risk factors of higher body burden of chemicals.		
Create an innovative system protecting regulatory science from industry bias	Safety testing of chemicals for regulatory purpose is mainly carried out by independent laboratories**,** with the process being paid for by an industry-supplied fund that is managed by an independent public body such as ECHA.	Amendment to primary legislation	2024
Enforcement	- Commitment by the Commission to allocate the necessary resources to the implementation and enforcement of chemicals and products regulation and use of every available means to obtain such commitments by the Member States. - Explore feasible solutions to eliminate current divergencies of enforcement measures and sanctions across the national enforcement authorities.	Allocation of budget and human resources Political commitment Change of administrative practice Study	From 2020
International: SDGs and SAICM	- Full implementation of the chemical safety contributions to the SDGs, funded obligatory national action plans, open, inclusive and transparent multi-sectoral and multi-stakeholder participation. - Defend prevention and precaution as priorities at the international negotiations, including the entire lifecycle and waste; and support to an enabling framework. - Develop new and old issues of concern (with work programme, measurable and time-bound goals, funding), a mechanism to move unachieved work on issues of concern to the level with increased obligations. - Reform the Special Programme to meet the needs of developing countries and CEIT for exposure reduction, especially with the aim to broaden the scope of the Special Programme, to make it accessible for public-interest organisations, and with elements internalizing cost of polluting industry.	Political commitment	By 2030

European and international organisations:

CHEM Trust

CIEL - Center for International Environmental Law

ClientEarth

ECOS – European Environmental Citizens Organisation for Standarisation

EEB – The European Environmental Bureau

HEAL – Health and Environment Alliance

HEJSupport International

HCWH Europe – Health Care Without Harm Europe

IPEN

PAN EU, Pesticides Action Network Europe

Rethink Plastic Alliance

WECF – Women Engage for a Common Future

European National organisations:

Alborada Foundation, Spain

The Alliance for Cancer Prevention, United Kingdom

Arnika - Toxics and Waste Programme, Czech Republic

Avicenn, France

BUND - Friends of the Earth Germany, Germany

CPES - The Cancer Prevention and Education Society, United Kingdom

ECOCITY, Greece

Eco Council - Danish Ecological Council, Denmark

Ecologistas en acción, Spain

Future in our hands, Norway

GLOBAL 2000, Austria

ZERO – Associação Sistema Terrestre Sustentável, Portugal