

Eurocolour's Position on the Chemicals Strategy for Sustainability

The European Commission's Chemicals Strategy for Sustainability (CSS), published on 14th October 2020, is part of the European Green Deal and highlights the importance of the protection of human health and the environment.¹

In the new CSS the Commission has foreseen the implementation and integration of numerous legislative measures with the aim to improve environment, health and safety and drive forward innovations in the field of safe and sustainable chemicals. 54 measures are declared and intended to be implemented within the next four years. This will lead to a flood of regulatory changes, both in the chemicals' regulation REACH, the CLP regulation as well as in numerous other regulations in the fields of cosmetics, toys, food contact materials and environmental and occupational safety. Eurocolour supports the overall objectives of the CSS but has serious doubts that the measures described in the CSS serve the stated goals.

Our key remarks and messages:

- EU's CLP and REACH Regulation are unique and serve as blueprints for chemicals regulation worldwide
- Flood of regulatory changes proposed without a clear strategy for further improving the handling of hazardous chemicals
- Eurocolour is extremely concerned with proposed actions, especially
- Turning away from proven risk-based systems ignores the safe handling of chemicals in the last decades under REACH
- Threat of loss of essential raw materials without benefit for consumer protection
- Unnecessary higher costs and more bureaucracy should be prevented as it is an innovation barrier and brings EU's industry in a disadvantage

Focus on hazard assessment should not replace safe use of chemicals

The Chemicals Strategy basically stands in contradiction to the Precautionary Principle by focusing on hazardous properties of a substance and by neglecting exposure and risk. The latter is the key to a proportionate and non-discriminatory set of measures, since generally there is a risk only when there is exposure to a hazardous substance.

In the CSS it is not taken into account that the chemical industry and their downstream users have good experience and know-how in the handling of chemicals classified as hazardous and has been using them safely for many years.

Following this hazard-based approach, the EU Commission plans further test requirements, use restrictions and a comprehensive regulation for groups of substances with specific

¹ See also [link](#).
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characteristics (e. g. persistence, mobility, endocrine disruptors). This would result in extensive tightening of chemicals law and restrictions for chemicals in consumer products; specifically, restrictions on entire groups of substances could be made in consumer or consumer-oriented products without prior risk assessment. Safe and sustainable chemicals do not exclude hazardous substances.

Therefore, the principles of REACH should be recalled, evaluating chemicals on the basis of both hazard and exposure, not only on the hazard characteristics.

At the beginning of its strategy paper, the EU Commission itself states that the EU already has one of the most comprehensive and safest regulatory frameworks for chemicals worldwide. Protection of the environment and consumers is unique in terms of form and scope. Nonetheless, substantial packages of measures are being proposed to further tighten chemicals regulation.

In general, it is very important that the Commission, while working on the implementation of the CSS, carefully assesses the various pieces of legislation under discussion as a whole, always without losing sight of the objective of better regulation in order to meet the very strict deadlines identified in the strategy itself.

New terms “safe and sustainable“ and “essential use” are introduced

Terms such as “safe and sustainable chemicals” are introduced and brought to focus without having a precise definition or idea of what they mean. Moreover, the strategy speaks of “essential uses”: this is a new concept that needs to be evaluated thoroughly before its integration into the legislative framework. It is fundamental to have a clear definition of this new requirement. Otherwise, it becomes almost impossible for industry to assess concrete consequences.

The most prominent application of pigments and dyes is in the field of coatings and paints. However, the benefit of pigments, dyes, and fillers is often underestimated, because they also fulfill important roles in functionality and sustainability themselves.

EU approach for additional CLP criteria versus Globally Harmonized System – loss of competitiveness

Another important topic regarding the global competitiveness is hazard communication. CLP is derived from UN GHS and should not bypass the GHS approach by anticipating criteria not yet discussed at that level, causing a lack of harmonization. Eurocolour’s detailed position on the revision of the CLP Regulation is described in a separate position paper.²

² See also Eurocolour position paper on the Revision of EU’s CLP Regulation ([download](#)).
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No difference in implementation in the different EU Member States

In order to obtain a global market, which is competitive and functional, it is really important that there are no differences in the implementation of individual legislations between European Union Member States. Europe needs a legislative context facilitating innovation and ensuring harmonised enforcement, and a stable process to encourage investments.

Link to other initiatives of the Green Deal (Circular Economy Action Plan, Farm to Fork Strategy)

One of the targets of the CSS is to boost the investment and innovation capacity for production and use of chemicals that are safe and sustainable by design throughout their life cycle: evaluation of the entire life cycle of the chemicals is essential to better understand the risk/benefit balance.

Conclusion

With the Chemicals Strategy for Sustainability (CSS) as it is foreseen by the EU Commission comes a flood of changes and tightening in chemicals law, environmental and consumer legislation. Eurocolour sees some reasons for specific changes of existing legislation, but not for a comprehensive strategy that changes the whole paradigm of chemical assessment, which is already a prime example for protection for the environment and consumers.

The CLH classification alone should not be decisive in determining whether a substance / a group of substances can be used in products: With the proposed package of measures there is the threat of the loss of essential raw materials which have been used safely by industry over years due to following the precautionary principle.

Eurocolour is extremely concerned that the implementation of these measures in the present form will not be workable for the companies.

Additionally, Eurocolour has serious doubts that the announced measures serve the stated goals.

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About Eurocolour:

Eurocolour e. V. is the umbrella association for the manufacturer of pigments, dyes, fillers, frits, ceramic and glass colours and ceramic glazes in Europe.

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