

Examination of the Commission's communication on a chemicals strategy for sustainability

Summary

The Committee has examined the Commission's Communication on a chemicals strategy for sustainability. In the opinion of the Committee, the strategy contains initiatives well in compliance with the Swedish environmental quality objective of a non-toxic environment and which focus on issues in which Sweden has played a proactive role for a long time. The Committee is particularly positive to the measures the Commission has committed to take regarding endocrine disruptors, combination effects of chemical substances, a group approach for addressing PFAS (per- and polyfluoroalkyl substances) and the monitoring of substances in goods, especially those imported into the EU via e-trading.

The Committee also wants to see that the Commission's high ambition in its work on chemicals is clearly integrated into a number of other strategic initiatives at EU level. In the opinion of the Committee, questions of environmental consideration in the pharmaceutical production process should be given priority in the EU's pharmaceuticals strategy. The Committee also wishes to highlight how important it is that the Commission should work for a non-toxic environment in the coming strategic framework for health and safety at work. In the opinion of the Committee, it is essential to minimise the risks for employees who are subjected to high and/or long-term exposure to chemicals.

The examined document

Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment (COM(2020) 667).

The position of the Committee

General information about the preparation of the strategy

Sweden has repeatedly emphasised how important it is that the Commission provide a strategy for a non-toxic environment in accordance with the Seventh Environmental Action Programme. In its examination of the Commission's communication on the Green Deal, the Committee repeated this appeal. In the opinion of the Committee, such a strategy is necessary to provide a structure for and map out the way for an integrated chemicals policy to help the member states and European industry achieve an effective handling of chemicals in all relevant areas of legislation.

Sweden's line in the EU's joint work on chemicals has been clear and consistent for a long time. This is the result of broad political consensus in the Swedish Parliament on the importance of safe use of chemicals for human beings and the environment. This especially applies to protection of children, young people and pregnant women, as they are particularly sensitive to chemicals. The target of Sweden's work on chemicals is a non-toxic environment, in which man-made or extracted substances in the environment must not represent a threat to human health or biodiversity. When working towards this goal, an effective and appropriate joint EU regulatory framework is of crucial importance.

Despite a considerable delay, it is gratifying to note that the Commission's chemicals strategy is maintaining a high level of ambition and is very much in line with the issues that Sweden has been pursuing for many years. The Committee notes that at the policy discussion of the Environment Council on the strategy on 10 December 2020, there was an expression of very broad support for the strategy and many member states welcomed its ambitious elaboration. In other words, the Commission is in a very good position to ensure that the measures announced in the strategy will now become reality. In this scrutiny report, the Committee would like to highlight certain questions which should be afforded the highest priority in the coming work on implementing the measures.

Phasing out substances of very high concern

The phasing out of SVHCs must be intensified. This is necessary not only to protect people's health and the environment, but also to enable material circularity. The use of SVHCs should therefore be forbidden in all areas of use and in all relevant legislation. The Committee considers it positive that the strategy contains a number of measures to increase the speed of the phasing out of SVHCs in various ways, particularly when it comes to introducing endocrine disruptors, persistent, mobile and toxic and very persistent and very mobile substances as categories of SVHCs.

The Committee wants the Commission in this context to prioritise work employing a grouping approach for dealing with similar substances. The Committee recalls that the current EU legislation is to a great extent still focused on exposing individual substances when they are used in certain ways. Several steps have been taken in the EU to enable a group approach to the assessment of substances, for example for the PFAS group, but the development must proceed much more quickly, particularly in the case of SVHCs.

The Committee welcomes the fact that the Commission intends to make assessment procedures simpler and more transparent to lighten the burden for all parties concerned and make decision-making faster, more consistent and more predictable. In the opinion of the Committee, this process should support a transition from assessment and regulation of chemicals substance by substance to a group-based approach. In the case of SVHCs, the Committee considers that the Commission should take the initiative by 2025 at the latest to develop a mechanism that ensures that once a SVHC has been identified in a particular piece of legislation it would result in a review of all other relevant legislation. This would be in line with the principle "One substance, one assessment" which was announced in the Green Deal.

As far as endocrine disruptors are concerned, the Committee takes an exceptionally serious view of the effect such substances have in people's health and notes at the same time that the use of these is increasing in society. This development demands prompt vigorous measures. The Committee therefore welcomes the fact that the Commission will propose to establish legally binding hazard identification of endocrine disruptors, to ban endocrine disruptors in consumer products and strengthen the requirement to provide information to allow the identification of endocrine disruptors and an acceleration of the development of screening and testing methods.

In the case of particularly dangerous substances, the Committee also wishes to recall that Sweden and like-minded member states have on repeated occasions and in different forums urged the Commission to develop a common EU PFAS strategy. The Committee notes that the chemicals strategy includes a number of measures that steer the work in this direction. The Committee takes a particularly positive view of the fact that the Commission has committed itself to introducing a group approach for PFAS under relevant legislation on water, sustainable products, food, industrial emissions and waste. The Committee also takes a positive view that measures are to be developed to ban PFAS as a

group in fire-fighting foams as well as in other uses, allowing their use only where they are essential for society. However, the Committee notes that it is first necessary to define “essential use”.

Stimulating safe design and non-toxic material cycles for innovative circular economy

Non-toxic material cycles are a precondition for a circular economy. The design of products is thus of fundamental importance as choices made in the design phase determine the product’s useful life and whether components and materials can be used again with high value. The Committee considers that common EU legislation needs to be developed in a number of respects in order to deal with chemical aspects to a greater extent during the entire life cycle of products. In this regard, the REACH regulation in particular needs to be strengthened. In addition to this, incentives are needed to encourage the green transition of the EU’s chemicals industry.

The Committee welcomes that fact that the chemicals industry contains measures to provide support to innovation and research into safer and more sustainable chemicals and materials. By means of technological development and innovation, important steps can be taken to achieve both circular solutions and strengthened competitiveness. In particular, the Committee notes the goals of the chemicals strategy to foster multidisciplinary research and digital innovations for advanced tools, methods and models, and data analysis capacities. In the opinion of the Committee, it is essential that this work fosters alternative methods for animal testing, which can reduce both the costs for and the time spent on research into safe chemicals.

Furthermore, the Committee takes a positive view of the fact that the Commission wishes to press forward work on product information for consumers. Together with like-minded member states, Sweden has over a number of years been requesting a tightening of requirements concerning information in the EU on the chemical content of products. Accessible information on substances in materials and products must be ensured throughout the entire life cycle, and the same requirements should be applied to both virgin and recycled material. Like the Commission, the Committee considers that digital product passports are an important component of this work. These digital solutions must be developed in such a way that they have as little impact on resources as possible so that new sustainable technical solutions are designed. In the work on product passports, it is also important to have a design that is compatible with free movement for goods and with common principles for international trade.

Addressing deficiencies in the EU’s chemicals legislation

There are several shortcomings in the common EU legislation which need to be addressed within the framework of the chemicals strategy. The Committee takes a positive view of strengthening the CLP and REACH regulations and supports the Commission’s proposal to apply a preventive approach, for example by protecting particularly vulnerable groups such as children and pregnant women and prohibiting the use of the most hazardous chemicals in consumer products. In line with previous discussion, the Committee considers that the Commission should take the initiative to bring about fundamental changes to information requirements in the REACH regulation, for example in the framework of the Commission’s work with perfluorinated substances. The Commission also needs to update information requirements for endocrine disruptors in all relevant legislation in order to make it easier to identify them.

The Committee notes that the chemicals strategy also proposes the establishment of a procedure entitled “one substance, one assessment” in order to coordinate hazard/risk assessment of chemicals across all chemical legislation. The Committee welcomes a more coordinated and transparent process leading to an improved level of protection and better cooperation between the parties involved. However, this must not lead to an increased administrative burden or delays in the implementation of regulatory frameworks for chemicals or limit the opportunities for member states to take initiatives.

The Committee further considers that the EU’s chemicals legislation needs to a much greater extent to take into account the risks of combination effects. The Committee notes that the Commission’s work with combination effects during the last few years has been going slowly despite the fact that academic research clearly shows that the effect of chemical mixtures must be taken into account and integrated more generally into risk assessment. The Committee therefore takes a very positive view that the Commission has now committed itself to assessing how one or more assessment factors for chemical mixtures best can be introduced into chemical safety assessments. The Committee also takes a very positive view that the Commission has committed itself to introducing or strengthening provisions to take account of combination effects in other relevant legislation, for example legislation on toys, detergents and cleaning agents and cosmetics.

In the case of food, the Committee considers that the strategy contains important measures to minimise the presence of contaminants in the food chain. As above, the Committee sees a very great value in greater account also being taken of combination effects as regards water, food additives and food contact material. In this connection, the Committee

wishes to emphasise that the lack of provisions covered by EU law for paper, cartons, metals, glass and printing ink intended to come into contact with food is very problematic. In the opinion of the Committee, under Regulation (EC) no 1935/2004 on materials and articles intended to come into contact with food, the Commission should adopt a draft legislative proposal to introduce specific rules for card and cardboard and phase out particularly hazardous substances in these product categories. In addition to this, the Committee calls for measures to achieve a stronger regulation of dietary supplements, for example to minimise the risk of pollution, unwanted substances and undeclared substances in dietary supplements.

Furthermore, the Committee welcomes the measures announced by the Commission to strengthen chemicals control, and takes a particularly positive view that the Commission has committed itself to strengthening the fundamental principles of “no data, no market” and the ‘polluter-pays’ under REACH. The Committee also takes a positive view that the Commission intends to focus on e-commerce and imported goods. The Committee notes that the Commission, in addition to the tools resulting from the new regulation on compliance and enforcement, has committed itself to investigating which further measures could be introduced to strengthen monitoring of compliance with REACH at the EU’s borders and to promote cooperation with e-commerce platforms. In the light of the complete structural transformation resulting from the increase in e-commerce, with changed trading patterns, flow of goods and new actors as a consequence of this, the Committee considers that this issue must be afforded the highest priority. The new technology makes it possible for consumers to trade directly with producers in countries outside the EU with just a few clicks of a mouse, which legally speaking means that consumers become importers and are therefore responsible for ensuring that the product complies with current legislation. The Commission, ECHA and national government agencies must work in several arenas both nationally and in cooperation to handle this challenge.

Chemical issues need to be integrated into the Commission’s other strategic initiatives

If the EU is to have a chance to achieve a non-toxic sustainable environment, work on chemicals must be integrated into all relevant legislative areas. The objective of a non-toxic environment can therefore not be a line of its own in the chemicals strategy, but must also have a place in several of the Commission’s other strategic initiatives. The Committee takes a positive view that the chemicals strategy has a clear connection to the previously adopted strategies for both biological diversity and from the soil to the dining table, and that it aids the success of the Europe’s Beating Cancer Plan.

The Committee wishes nevertheless to emphasise that the overall goals of the strategy need to be integrated into a number of further strategic initiatives, particularly when it comes to pharmaceutical issues. Sweden and like-minded member states have repeatedly been calling for measures at EU level to increase consideration for the environment in the production of pharmaceuticals. The Committee notes that the Commission intends to take care of this problematic area within the framework of the pharmaceuticals strategy for Europe which was presented in November 2020. The pharmaceuticals strategy is a very substantial action package which requires thorough analysis. Access to and lack of pharmaceuticals and media technology is an important question that arises particularly in the case of unforeseen events and which needs to be handled jointly at EU level. In the opinion of the Committee, issues concerning environmental consideration in the production of pharmaceuticals must be given a prominent position in the coming work on achieving this objective. In the opinion of the Committee, measures should be taken to follow up the environmental impact of pharmaceuticals and environmental requirements should be introduced into the EU’s regulatory framework on good manufacturing practice.

Furthermore, the implementation of the chemicals strategy depends to a great extent on how effectively the EU’s action plan for circular economy is translated into concrete measures. The fact that the EU’s Product Policy Initiative leads to broader requirements in terms of product design, for example as regards the increased use of high-quality recycled material in products, is of crucial importance to realise the principle “Non-toxic from the start”. Circular business models for re-use, re-manufacturing and recycling should be supported and made possible. In this work, the focus must be on the value chains and sectors that have high environmental impact and significance for the EU’s economy.

In addition to this, the Committee wishes to highlight how important it is that the Commission’s high ambition when it comes to working for a non-toxic environment is also given a prominent position in the coming strategy for work environment. In the opinion of the Committee, it is absolutely essential to minimise the risks for employees who are subjected to high and/or long-term exposure to chemicals. The Committee supports the fact that the Commission intends to extend the protection level given to consumers to include professional users under REACH. The Committee has no high expectations that the Commission will establish further measures in the framework of work environment to deal with employees’ exposure to hazardous substances. The Committee notes, for example, that the Commission has

undertaken to identify the most hazardous substances for which the Commission will propose occupational exposure limit values.

Acting globally for a new agenda for chemicals and waste after 2020

The Committee takes a very positive view that the strategy contains initiatives to pursue work on international chemicals management. The importance of as soon as possible putting in place a renewed global agenda for chemicals and waste cannot be underlined enough. The EU must operate forcefully in the international arena to enable such an agreement to become reality, and the Committee expects that the issue will be afforded the highest priority in the Commission's "Green Deal diplomacy".

In the opinion of the Committee, the renewed global agenda should contain a mechanism to identify and address substances and groups of substances that are of international interest, ensure that information on hazardous chemicals is available throughout the entire supply chain, support the adoption of requirements to generate data on chemical characteristics in countries with chemical production, stipulate that all countries adopt legal requirements to implement GHS by 2030 at the latest, and endeavour to achieve sustainable and effective use and processing of materials and resources to limit the amount of waste and its harmful effects. In addition, a goal within the framework of global work should be to ensure that information is developed on the content of chemicals in products that are released into the market.

In this connection, the Committee wishes to highlight the fact that it is of the utmost importance that efforts to achieve a circular economy and the EU's trade policy support each other. The Committee welcomes the fact that the transition to a circular economy is given greater scope in international organisations and in the EU's free trade agreements. Sweden will continue to work to ensure that trade regulations inside the EU and globally support the transition to a circular economy.

In preparation for upcoming legislative efforts.

The Committee notes that the action plan presented in the appendix to the strategy presupposes an exceptionally ambitious package of measures. The Committee expects that concrete detailed proposals will now be drawn up without delay, including an action programme for a systematic follow-up of the same. The Committee also expects that the measures are sufficient to achieve the ambitions and objectives that are put forward in the strategy to strengthen the protection of people's health and the environment and to stimulate innovation of secure and sustainable chemicals as well as alternative materials to hazardous chemicals. In the opinion of the Committee, it is of importance that the proposals that are drawn up are socio-economically effective, that they are still broadly supported by scientific fact and that they are based on risk and impact assessments. It is also of importance that the Commission takes the measures that are required to define "necessary use" by PFAS.

When the Commission returns with concrete proposals for measures, detailed Swedish positions will be developed. The Riksdag will obviously play a very active role in this work. In conclusion, the Committee would like to emphasise how important it is that the draft legislative acts that the Commission presents are well motivated regarding the principles of subsidiarity and proportionality.