

The package of documents published by the European Commission includes a [press release](#), [Q&As](#), the Chemical Strategy for Sustainability [Communication](#) itself, an [Annex](#) (with an Action Plan/list of measures), a [factsheet](#), a Staff Working Document (SWD) on reviews regarding chemical safety reports (CSR), information on articles and animal testing, a [SWD on stakeholder feedback](#), a [SWD on PFAS](#), a [SWD on “mixture effect”](#), a [SWD on endocrine disruptors](#) (EDs) and an [executive summary of the ED REFIT](#).

The Commission stated that the **Chemical Strategy for Sustainability** (CSS) is the first step towards a zero pollution ambition for a toxic-free environment, as announced in the [European Green Deal](#) in October 2019. While the CSS fully recognises the fundamental role of chemicals for human well-being and for the green and digital transition of European economy and society, it acknowledges the urgent need to address the health and environmental challenges caused by the most harmful chemicals.

The Commission found that the EU has sophisticated chemicals legislation, which has generated the most advanced knowledge base on chemicals in the world. Yet, the EU’s chemicals policy needed to be further strengthened to take into account the latest scientific knowledge and citizens’ concerns. To this end, and among multiple other measures, the CSS foresees the following **fundamental changes to the regulatory framework**:

- Extending the **generic approach to risk management** under multiple chemical regulatory regimes to ensure that **consumer products** do not contain carcinogenic, mutagenic and reprotoxic (CMR) chemicals, or persistent bioaccumulative and toxic (PBT) chemicals; and assessing the modalities and timing to extend the same approach to further chemicals by 2022 (including endocrine disruptors (EDs) – please also see below)

The Commission intends to still allow “**essential uses**” of such “most harmful substances.” To this end and for both generic and specific risk assessments, it plans to define **criteria** for essential uses, taking into account the definition of the Montreal Protocol, in particular taking into consideration the needs for achieving the green and digital transition, in 2021-22.

- Amending the Classification, Labelling and Packaging (CLP) Regulation to introduce **new hazard classes** for PBTs, very persistent and very bioaccumulative (vPvBs) and **persistent and mobile** substances, and to **apply them across all legislation** by 2021
- Amending the CLP Regulation to give the **Commission** the mandate to **initiate harmonised hazard classification** by 2022

- Revising **registration** requirements under the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) to ensure the identification of substances with critical hazard properties, including effects on the nervous and immune systems, the move towards **grouping** approaches, information on the overall environmental footprint of chemicals, and the obligation of chemical safety reports (CSR) for substances between 1-10 tonnes

The Commission also confirmed that it will make a proposal to extend **REACH registration** duties to “a sub-set of **polymers**” in 2022, without defining that sub-set in the CSS.

- Amending REACH to ensure **compliance checks on all registrations** and to allow for the **revocation of registration numbers** by 2022
- Amending the **categories of** substances of very high concern (SVHC), i.e. those that can be subject to authorisation (REACH), to include persistent, mobile and toxic (PMT) and very persistent and very mobile (vPvM) substances (and **EDs** – see more detail below) by 2022
- Revising the **REACH authorisation and restriction processes** by 2022, to simplify and consolidate the legal framework and implement the “**one substance, one assessment**” principle, based on previous key findings of the Commission
- Amending Article 68(2) **REACH** to include professional users by 2022 (i.e. **extending** from consumer to professional uses an existing option for the Commission to adopt a **restriction** in an **expedited process** without ECHA in relation to CMR 1A or 1B chemicals)

Regarding EDs, the so-called regulatory fitness evaluation (REFIT) explicitly states that the Commission could not conclude on the effectiveness of the existing chemical legislation in protecting health and the environment from EDs. It identified the need for a horizontal approach (across multiple pieces of chemicals legislation) for identifying EDs, to simplify and rationalise current parallel identification procedures, and that current data requirements limit the opportunity to identify EDs. In the CSS, the Commission, therefore, announced that it would:

- Within the existing REACH system, adopt a roadmap to prioritise EDs for **(group) restrictions** by 2021
- Update **REACH information requirements** for EDs by 2022
- Propose the revision of existing EU chemicals and product law, such as introducing ED as one of the **new hazard classes** in the CLP Regulation by 2021 and extending the **generic risk management approach** for consumer products by 2022 (please see above)

- Include EDs explicitly as a **category of SVHCs**, with a view to strengthening occupational safety and health

Regarding per- and polyfluoroalkyl substances (**PFAS**), which have received heightened public attention recently, the Commission plans to:

- Propose, within the existing REACH system, to **restrict** PFAS for all non-essential uses including in consumer products by 2022-24
- Review of the annexes of the Environmental Quality Standards Directive and of the Groundwater Directive to add PFAS where possible as a group by 2022
- Address the presence of PFAS in **food** by introducing limits in the legislation on food contaminants by 2022
- Proposal to address the emissions of PFAS from the **waste** stage including through the revision of the Sewage Sludge Directive
- Propose to address PFAS concerns **internationally** under the Stockholm Convention and the Basel Convention by 2023-2024

Regarding industrial emissions, the Commission announced that it wants “to promote the use of safer chemicals by EU industry [...] by requiring on-site risk assessments and by restricting the use of substances of very high concern”, and “address emissions and reporting of **PFAS** from industrial plants” with the revision of the EU Industrial Emissions Directive (IED). The CSS also refers to ongoing activities to improving compliance with the IED.

Regarding non-toxic material cycles, i.e. recycling, the Commission states that it will support investments in sustainable innovations that can **decontaminate waste streams**, increase **safe recycling** and reduce the export of waste, in particular, plastics. It considers that a **clean circular economy** is essential to boost the production and uptake of secondary raw materials. To ensure that “**Recycled in the EU**” becomes a **global benchmark**, substances of concern in products and recycled materials have to be minimised, based on, **in principle, the same limit value for virgin and recycled material**.

The CSS defines **substances of concern** as those substances that have a chronic effect for human health or the environment (Candidate List in REACH and Annex VI to the CLP Regulation) but also those that hamper recycling for safe and high-quality secondary raw materials. Officials have since indicated that the Commission currently has no intention to provide a legal definition.

Technologies like **chemical recycling** could also have a role (to address legacy substances), but only if they ensure an overall positive environmental and climate performance (based on life cycle analysis).

The Commission has committed to carrying out all these initiatives, including a revision of the REACH Regulation “in the most targeted way possible”, in line with the better regulation principles and subject to evaluations and impact assessments “as appropriate”. Where they cannot be implemented in the existing regulatory system, the Commission’s legislative proposals will go through the ordinary legislative procedure, which involves the Council and European Parliament as the EU co-legislators.

Reacting to the CSS, the European Chemical Industry Council (Cefic) [welcomed](#) the new compliance, enforcement and innovation proposals but stated that this “has become a missed opportunity for a strategy to accelerate how Europe’s fourth largest industry can deliver on the Green Deal”. Cefic criticised the CSS as a long list of regulatory measures without “sufficient clarity on how they will be joined up, how they relate to real-world geopolitical context like Brexit or how they will all add up to achieve the Green Deal objectives.” CEFIC wants to see a much more coordinated approach to how the impacts of the CSS are assessed, how the measures come together towards a shared objective and how the CSS is implemented. CEFIC is, therefore, calling for a “sectoral Green Deal for chemicals”.

Contacts

Ken Huestebeck

Senior Associate, Brussels
T +32 2 627 1102
E ken.huestebeck@squirepb.com

Anita Lloyd

Director, Birmingham
T +44 121 222 3504
E anita.lloyd@squirepb.com

David Gordon

Partner, Birmingham
T +44 121 222 3204
E dave.gordon@squirepb.com

Stephen A. Owens

Partner, Phoenix/Washington DC
T +1 602 528 4170 (Phoenix)
T +1 202 626 6270 (Washington DC)
E steve.owens@squirepb.com

Wolfgang A. Maschek

Partner, Brussels
T +32 2 627 1104
E wolfgang.maschek@squirepb.com