



***Raising standards for consumers***

## ANEC input to EC Consultation on Roadmap for Communication Chemicals Strategy for Sustainability (toxic-free EU environment)



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## **A LONG OVERDUE INITIATIVE**

ANEC is dismayed the European Commission (EC) has not delivered the European strategy for a non-toxic environment which was foreseen in the 7<sup>th</sup> Environmental Action Programme by 2018. Not only has the strategy not been delivered, but we are still not aware of tangible preparatory work. Given this, we are disappointed, but not surprised, the roadmap<sup>1</sup> contains mostly broad phrases with little detail.

ANEC has long followed the European legal framework for chemicals in products, finding it wanting in ensuring an appropriate level of safety to consumers or the environment. We therefore wholly disagree with the view that "a comprehensive regulatory framework for chemicals in the EU is already in place". The roadmap recognises the evaluation initiatives which the strategy will build upon identified a number of gaps and weaknesses that the EU chemicals policy needs to tackle to fulfil its objectives. However, a sound assessment of the regulatory shortcomings in the field of products has not yet taken place. For instance, the Fitness Check of the most relevant chemicals legislation (excluding REACH) did not look at the product areas **not** sufficiently covered by existing legislation. Whilst the roadmap indicates the strategy will aim to enable the regulatory framework to reflect scientific evidence on risks posed by hazardous chemicals in products (including imports), it is not apparent this means the development of a dedicated, consistent approach to address chemicals in products beyond REACH. This is a crucial aspect.

Beyond this, two aspects of the roadmap are especially unclear.

The expression "one substance, one assessment", is mentioned with a view to "simplify and strengthening the legal framework". It may be useful to collect data for substances, but this would not be a practical approach for all applications in products and would ignore product specificities. Hence, the outlined approach runs counter to our vision of a meaningful product policy as indicated below. It appears strange to assess one chemical by looking at hundreds or thousands of different applications – from construction products to tattoo inks.

We think it better to group chemicals according to their use and exposure pattern (e.g. to address all products releasing VOCs to the indoor air and so forth).

Secondly, the production of pharmaceuticals should not be under the scope of this strategy as there is already an EU Strategic Approach to Pharmaceuticals in the Environment<sup>2</sup>, and the pharmaceuticals legislation was excluded from the Fitness Check of most relevant chemicals legislation.

## **PROBLEMS THE INITIATIVE SHOULD TACKLE**

We believe the lack of a consistent approach at EU-level to chemicals in consumer products has led to flaws in current legislation (e.g. Toy Safety Directive, REACH, GPSD). For instance, REACH cannot serve this purpose due to inherent limitations of

<sup>1</sup> <https://bit.ly/2yYtzNV>

<sup>2</sup> (COM(2019) 128 final)

the legislation (long procedures; no possibility to adapt the legislation rapidly; a substance-by-substance approach; no positive lists of permitted substances; the disregard of product-specific technological needs). It should also be noted REACH cannot address issues not directly associated with toxicity (e.g. limiting release of chemicals through requirements on colour fastness, or preventing the washing-out of flame retardants).

### **THE SOLUTION: ADDRESS PRODUCT SPECIFIC ASPECTS IN CHEMICAL RULE MAKING**

A new European horizontal legal approach for chemicals in products is needed to ensure consumers consume only products that are safe. We have put forward what we think to be priority areas, with proposed solutions, in our position paper, ["Hazardous chemicals in products - The need for enhanced EU regulations"](#)<sup>3</sup>.

This strategy has a vital role to play in the circular economy policy and interface between chemicals, products and waste legislation. We believe that if the strategy does not tackle at its core the minimisation of exposure to hazardous chemicals in consumer articles, there will be a major loophole which will jeopardise the success of most other measures on sustainable products planned in the Circular Economy Action Plan.

ANEC calls on the institutions to focus on the interrelation of environmental and health concerns, highlighting the need for a community approach to address chemicals in consumer products in a consistent and systematic manner.

For more, see our paper, ["Keeping hazards in the circle?"](#)<sup>4</sup>.

<sup>3</sup> <https://bit.ly/2XuQA4H>

<sup>4</sup> <https://bit.ly/36YuhaC>