



# Hazardous Substances & EU Chemicals Policy

briefing

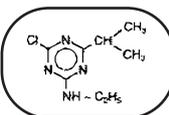
## From Sintra to Bremen - milestones...

WWF welcomes the intergovernmental progress made with regard to hazardous substances since the OSPAR and HELCOM Ministerial Meetings and the adoption of the Strategy with regard to Hazardous Substances in 1998. In particular, the further development of the List of Chemicals for Priority Action, of Background Documents for such chemicals, and the launch of the OSPAR List of Substances of Possible Concern are highlighted in this context.

### The OSPAR List of Substances of Possible Concern

is an important and transparent tool to foster action to eliminate toxic chemicals from consumer products, pesticides and industrial discharges all of which end up in the marine environment so far. It serves as an incentive for manufacturers and consumers for taking voluntary steps to prevent marine pollution even ahead of the regulatory phase-out measures needed. It comprises factsheets including information on the hazard, use and existing regulation of up to 400 hazardous substances that are known to be marketed and/or released to the environment. The selection of these chemicals is coherent with the target "of cessation of discharges, emissions and losses of hazardous substances (that is, substances which are toxic, persistent and liable to bioaccumulate or which give rise to an equivalent level of concern) by the year 2020". In adopting the Sintra Statement and OSPAR Strategy with Regard to Hazardous Substances in 1998, North-East Atlantic Governments and the EC committed themselves to "make every endeavour to move towards" that target.

... and drawbacks: WWF however expresses concern that no measure



has yet been implemented to meet the 2020 cessation target for such chemicals and/or eliminate them from the marine environment. Furthermore, the OSPAR and HELCOM Objectives and Targets have only partly been translated into the EC Water Framework Directive.

## Hazardous Substances and the EU Chemicals Policy

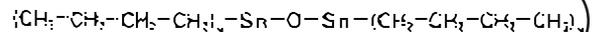
### For information, contact:

Stephan Lutter  
WWF North-East Atlantic Programme  
Am Gütpohl 11 · D-28757 Bremen · Germany  
Tel: +49 421 65846-22 · Fax: +49 421 65846-12  
E-mail: lutter@wwfneap.org

## Towards a new chemicals policy...

WWF also welcomes the progress with regard to hazardous substances in the framework of the EU Chemicals Policy and in particular highlights three major achievements:

- Under the future EU REACH System, every producer and user of chemicals will have the duty to evaluate the environmental properties of the substances used and in particular determine whether they would meet the criteria for hazardous substances as defined under the OSPAR Strategy.
- The particularities of the marine environment have been translated into an additional element in the EU Risk Assessment Methodology on Chemicals. Based on this approach, the use of hazardous substances can be eliminated in all applications from which releases into the environment could occur. Authorities do not need to prove anymore at which quantitative level of emissions or losses a persistent and bioaccumulative substance could harm a seal or a cetacean.
- In the proposal for a REACH Regulation, the European Commission includes PBTs, vPvBs and endocrine disruptors into the group of substances of very high concern. These substances will not be allowed to be used anymore unless a producer or users applies for a special authorisation.



## ...preventing marine pollution?

However, there are also some concerns that the new EU Chemicals Policy might fail to contribute to meeting the OSPAR cessation target by 2020:

- Already now, the REACH legislation process is nearly two years behind schedule and more delays could be expected. In particular, if the EU Council in which nearly all OSPAR Contracting Parties are represented fails to sufficiently back DG Environment's proposal it may undermine the goals set in the OSPAR framework.

### Glossary

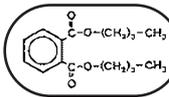
**REACH = Registration, Evaluation, Authorisation of Chemicals**

**PBT = Persistent, Bioaccumulative and Toxic substance based on the following criteria as set up by OSPAR DYNAMEC: half-life in water > 50 days or failing to be inherently degradable (P), acute aquatic toxicity < 1 mg/l or CMR (carcinogenic, mutagenic or toxic to reproduction) properties (T), bioconcentration factor (BCF) > 500 or LogPow > 4 (B). EU Technical Guidance: < 0,1 mg/l (T) and BCF > 2000 (B)**

**vPvB = very Persistent: half-life in water > 60 days and very Bioaccumulative: BCF > 5000**



- The proposed REACH Regulation still contains several possibilities to maintain secrecy on the uses and amounts of chemicals in the EU market. Access to such information, however, is definitely needed to protect the marine environment, since it has not been possible and will not be possible to identify threats for the marine ecosystems through extensive marine monitoring programmes.
- The criteria to determine whether a substance is of very high concern or not under the new EU framework are less protective compared to those agreed under OSPAR for the identification of hazardous substances. In order to get the approaches consistent, the new EU system needs to build in some flexibility to take on board what has already been agreed among those OSPAR countries represented in the EU Council.



**WWF briefings on hazardous substances  
- published since OSPAR MMC Sintra 1998**

Brominated Flame Retardants - Bisphenol A -  
Nonylphenol Ethoxylates (NPE) – Phthalates –  
Vinclozolin - Endocrine Disrupting Pesticides -  
Pesticides in Surface and Coastal Waters - Cetaceans &  
Endocrine Disruptors - Seals & Endocrine Disruptors -  
Fish & Endocrine Disruptors - Synthetic Musk  
Fragrances - Salmon & Atrazine -  
Chemical Market

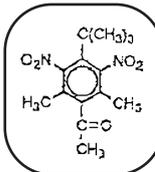
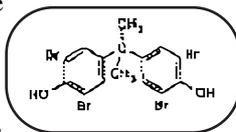
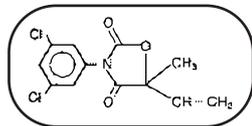
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**Lessons learnt from the past: the OSPAR/ HELCOM Objective and the Water Framework Directive**

WWF fears that the incomplete transformation of the target at EU level will hamper the elimination of harmful compounds, including pesticides and endocrine disrupting chemicals from the marine environment. In the EC Water Framework Directive, there are two elements of weakening the *one generation target*: (i) priority setting must generally be based on risk assessment, hence identification of hazardous substances for priority action only in exceptional cases can be based on simplified risk ranking as in the case

of the first priority list adopted in 2001; and (ii) the cessation target for the first few hazardous substances is to be met at 2023 to 2025 by the latest, depending on the speed the Parliament and Council adopt the Commission's proposals. For all other hazardous substances to be identified by 2005 or later the cessation target is to be met again 20

year after adoption of control measures.



**WWF calls upon Ministers to**

- **reaffirm** the Regional Seas Conventions' Objective with regard to hazardous substances and promote its inscription into a new EU Chemicals Policy.

Text prepared by Andreas Ahrens

**Further reading**

Heitmann, K. & A. Ahrens (2001): European Importers and Producers of Chemical Substances Suspected to Have POP-like Properties. ÖKOPOL – Institute for Environmental Strategies. A report commissioned by WWF NE Atlantic Programme. Hamburg/Bremen (OSPAR 01/4/13-E).

Heitmann, K. & A. Ahrens (2003): Are Governments Prepared to Keep Our Seas Clean? Measuring progress with regard to hazardous substances from Sintra 1998 to Bremen 2003. A report commissioned by WWF NE Atlantic Programme. Hamburg/Bremen (OSPAR 03/6/Info.01-E).

WWF (1998): WWF's Essentials for OSPAR MMC 1998: Hazardous Substances. Briefing. WWF NE Atlantic Programme Bremen.

WWF (2002): A New Regulatory System for Chemicals in Europe: A Step Towards a Cleaner, Safer World? Briefing. WWF European Policy Office, Brussels.

WWF & SAR (2000): Hazardous Substances identified by OSPAR for cessation of discharges, emissions and losses before 2020. A report by ÖKOPOL – Institute for Environmental Strategies. (OSPAR 00/5/16-E).

**The Metamorphosis of the „One Generation Target“**

**§ 17 Esbjerg Declaration, 1995**

„The Ministers agree that the objective is to ensure a sustainable, sound and healthy North Sea ecosystem. The guiding principle for achieving this objective is the precautionary principle.

*This implies the prevention of the pollution of the North Sea by continuously reducing discharges, emissions and losses of hazardous substances thereby moving towards the target of their cessation within one generation (25 years) with the ultimate aim of concentrations in the environment near background values for naturally occurring substances and close to zero concentrations for man-made synthetic substances.“*

**Sintra Statement, 1998**

„We agree to prevent pollution of the maritime area by continuously reducing discharges, emissions and losses of hazardous substances (that is, substances which are toxic, persistent and liable to bioaccumulate or which give rise to an equivalent level of concern), with the ultimate aim of achieving concentrations in the environment near background values for naturally occurring substances and close to zero for man-made synthetic substances. We shall make every endeavour to move towards the target of cessation of discharges, emissions and losses of hazardous substances by the year 2020.“

**EU Water Framework Directive (WFD) , 2000**

„The Commission shall submit a proposal setting out a list of priority substances selected amongst those which present a significant risk to or via the aquatic environment. Substances shall be prioritised for action on the basis of risks to or via the aquatic environment, identified by: (a) risk assessment ... (b) targeted risk assessment ... When necessary ... substances shall be prioritised for action on the basis of risk .... identified by a simplified risk assessment procedure. ... For the priority substances the Commission shall submit proposals of control for: - the progressive reduction of discharges, losses of the substances concerned and in particular - the cessation or phasing-out of discharges, emissions and losses of the substances as identified ....., including an appropriate timetable for doing so. The timetable shall not exceed 20 years after the adoption of these proposals by the European Parliament and the Council .....

**WWF report launched on the occasion of OSPAR  
MMC & JMMC 2003**

\* Are Governments prepared to keep our seas clean?  
Measuring progress with regard to hazardous substances from Sintra 1998 to Bremen 2003

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