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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment  
- Exchange of views

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1. On 14 October 2020, the Commission adopted the above-mentioned Communication ‘Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment’.
2. In an annex to the Communication, the Commission outlines 55 policy actions to implement the objectives of the strategy, and the respective timings between 2020 and 2024. Some of the proposed actions are legislative proposals that will be subject to scrutiny by the European Parliament and the Council.

3. The strategy is supported by six staff working documents covering e.g. poly- and perfluoroalkyl substances (PFAS), the assessment and management of combined exposures to multiple chemicals and associated risks, and the fitness check on endocrine disruptors.
4. Both the Council and the European Parliament provided input to the Commission's work on the chemicals strategy in advance, the Environment Council by adopting conclusions on chemicals on 26 June 2019 (ST 10713/19) and the European Parliament by passing a Resolution on the chemicals strategy on 10 July 2020.
5. The trio Presidency of Germany, Portugal and Slovenia aims to prepare a position of the Council on the Commission Communication on the chemicals strategy. Against that background, on 23 October 2020 Commissioner Sinkevičius presented the chemicals strategy to the Council (Environment). Subsequently, the members of the Working Party on the Environment examined the Communication in informal video conferences on 6 and 16 November and on 3 December 2020.
6. In order to guide the exchange of views at the forthcoming meeting of the Council (Environment) on 17 December 2020, the Presidency has prepared a background paper including three questions. This paper appears in the annex to this note. With a view to handing over the responsibility for taking forward the work in the Council on the Chemicals Strategy for Sustainability to the incoming Portuguese Presidency, the German Presidency intends to draw up a synthesis document that will also reflect the exchange of views in the Council.
7. The Committee of Permanent Representatives is invited to take note of the Presidency's background paper, including the three questions, and to forward it to the Council for its exchange of views on the Commission Communication 'Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment' on 17 December 2020.

Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment  
**- Exchange of views -**

**Presidency background paper with questions for ministers**

The publication on 14 October of the European Commission's 'Chemicals Strategy for Sustainability – Towards a Toxic-Free Environment' means that now, almost 20 years after the chemicals policy White Paper, we once again have a comprehensive paper on the European Union's chemicals policy. The strategy represents the first step towards a 'zero pollution ambition for a toxic-free environment', which was announced as part of the European Green Deal. The development of a long-term strategy for the European Union's chemicals policy had been called for by both the Member States and the European Parliament. In the Council conclusions of 26 June 2019 entitled 'Towards a Sustainable Chemicals Policy Strategy of the Union', the Council gave important guidance for the creation of a future EU chemicals policy.

The strategy emphasises the fundamental role that chemicals play both in human well-being and in the green and digital transitions of the European economy and European society. At the same time, it highlights the need to respond more rapidly and effectively in future to the health and environmental challenges posed by the most harmful chemicals, and presents the measures by means of which the Commission would like this to be achieved.

In its strategy the Commission pursues two fundamental objectives: improving the substance-related environmental and consumer protection policy of the European Union while at the same time providing impetus for innovation and boosting the European Union's competitiveness.

The strategy aims to promote innovative solutions for chemicals that are safe and sustainable by design, and thereby make the European economy a globally competitive player. Particular importance is attached to the ‘toxic-free hierarchy’ approach, which seeks to incentivise industry to prioritise innovations with which substances of concern can as far as possible be substituted. This goes hand in hand with the objective of ensuring safe products and toxic-free material cycles through sustainable and sound management of chemicals throughout their life cycle, inter alia the ‘safe and sustainable by design’ approach. However, chemical production itself must also become more sustainable.

The Commission sees the transition to chemicals that are safe and sustainable by design not only as a societal urgency but also as a great economic opportunity and a key component of the EU’s recovery from the COVID-19 crisis. With its strategy the Commission also seeks to strengthen the European Union’s open strategic autonomy with resilient value chains and sustainable sourcing for those chemicals that are essential for our health and for achieving a climate-neutral and circular economy.

The strategy provides for various innovation and investment measures to support the chemicals industry in the shift towards more sustainability. In addition, the Commission wishes to use regulatory tools to drive and reward the production and use of safe and sustainable chemicals.

The strategy does not aim either to fundamentally reshape EU law, for example by means of a new proposal for a Regulation, or to fundamentally revise the existing legal framework. Rather, it contains a set of numerous measures to amend specific aspects of the existing system and EU law.

The strategy mentions first and foremost the objective of dispensing with the most harmful chemicals as the key measure for a strengthened legal framework. In a first phase, this is to apply in particular for consumer products and especially for the protection of particularly vulnerable groups of people.

In this regard, the Commission wishes to gradually extend the generic approach to risk management. In a first phase, consumer products, particularly food contact materials, toys, articles for babies and young children, cosmetics, detergents, furniture and textiles, are no longer to contain any particularly hazardous substances that cause cancers or gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative. In a second phase, this approach is to be extended to include further hazardous chemicals, in particular those affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ. Use of these particularly hazardous chemicals is to continue to be allowed only where essential for society.

In addition to chemicals legislation such as the REACH and CLP Regulations, the Commission's regulatory proposals for raising the level of protection for people and the environment also include, for example, legislation on industrial emissions and safety at work and on rules for products.

For the purpose of implementing its strategy the Commission announces, inter alia, a 'revision of the REACH Regulation in the most targeted way possible, limited to achieving the objectives of this Strategy'. Certain amendments to the text of the REACH Regulation are also set out in the annex to the strategy.

All new legislative initiatives are to be based on public consultations and subject to comprehensive impact assessments, with SMEs in particular being taken into account.

The Commission has invited the European Parliament and the Council to endorse its strategy and to contribute to its implementation.

Questions for ministers:

1. *Do you consider the general level of ambition of the chemicals strategy to be appropriate, including in the light of the 2019 Council conclusions?*
  2. *What is your assessment of the proposal to regulate certain particularly hazardous substances – initially in the area of consumer products and subsequently also in other areas where appropriate – on the basis of a generic approach to risk management such that only essential uses remain permissible?*
  3. *What is your assessment of the Commission’s proposal to amend the articles of the REACH Regulation in order to realise some of the strategy’s proposals?*
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