



## **EUREAU**

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### ***Opinion of the European Water Industry (EUREAU) on REACH, to the 2nd reading in the European Parliament***

#### **Introduction of EUREAU**

EUREAU is the voice of Europe's water and waste water industry. The members of EUREAU collectively provide vital water and waste water services to more than 450 million European citizens. We are committed to sustainability in all aspects of our business operations and particularly in the provision of drinking water and waste water services. EUREAU therefore supported the vision of sustainability reflected in the REACH proposal of November 2003.

#### **The need for an upstream approach**

To work for a sustainable water environment with respect to drinking water abstraction and wastewater treatment, it is necessary to have a sustainable use of chemical substances within the urban water cycle. The chemical substances in the urban water cycle enter the sewer system from households and their consumer products, services, industrial discharges, or simply urban run-off (rain water). For 99% of the chemicals used in the EU, there is only vague information available on their use and the risks involved, and 85% of the chemicals produced in volumes above 1000 tons have none or insufficient data. Non-biodegradable chemical substances coming to the waste water treatment plants from cities are in many cases not possible to treat. Therefore, there is a clear need to have better information and to control chemical substances at source, both for sustainable waste water treatment and for sustainable drinking water production.

The Report to DG Environment *The impact of REACH on the environment and human health* (ENV.C.3/SER/2004/0042r) has determined the benefits of REACH in terms of potentially saved costs for the water industry for the first 25 years of a full-working REACH (2017-2041). The saved costs for drinking water purification, waste water treatment plants and sewage sludge was estimated to be € 1400 to €7500 million. A rough estimation of the potential benefits of REACH determined by extrapolation from case substances is for the improved re-use of sewage sludge only, and is reported to be in the range of €300-2600 million for the period 2017-2041.

#### **The REACH proposal**

EUREAU welcomes the fact that the REACH proposal now is subject to the 2nd reading in the European Parliament. However, to be able to have a sustainable drinking water production and waste water treatment in the European Union, there is a strong need for: a duty of care principle, a stricter authorisation process, and information requirements to down stream users and consumers.

#### **Duty of care principle**

The chemical manufacturers, importers and downstream users have to be responsible for the safety of their products. Especially producers of: a) substances produced below 1 ton annually per producer, for which REACH does not require any safety data; and b) substances between 1-10 tons where no new safety data is provided, have to be accountable for any problems connected to water and sludge that arise from the application and use of these substances. The duty of care will ensure, that the producers of these substances investigate further when suspicion about negative effects arise and communicate this information along the supply chain.

### **Stricter Authorisation process**

The authorisation process in REACH deals with the most problematic chemicals; those which build up in the environment, cause cancer, affect DNA or the reproductive system, or interfere with the hormone system. In order to establish an efficient upstream approach, the most problematic chemicals should never receive authorisation for their use, if safer alternatives are available. But even if no safer alternatives are available, it has to be considered that these substances cause problems in the drinking water or waste water treatment, and/or cannot be removed effectively and cost-efficiently from waste water or sludge. Therefore, they should not be authorised unless they are absolutely essential to society. EUREAU supports the European Parliament and believes that the producer should have to carry out a socio-economic analysis in these cases to justify why society needs the specific use of the substance.

EUREAU believes, that this would speed up the phase-out of the most problematic chemicals and encourage a sound innovation process of safer alternatives and thus encourage a sustainable upstream approach.

### **Information to downstream users and consumers of chemicals**

Since many harmful substances are emitted from the households into the urban water cycle there is a need for better information to downstream users and consumers. EUREAU believes that transparent safety and use information is necessary to enable companies and the authorities to take informed decisions. The downstream user needs to be able to identify products which contain chemicals that pose problems in the water or waste water treatment so that he can choose the least problematic alternative. The same is valid for the consumer.

## Annex 1, EUREAU supports the following amendments:

### Duty of care:

The chemical manufacturers, importers and users have to be responsible for the safety of their products (Duty of Care) *(as proposed by the European Parliament in amendment 364 of Article 1, paragraphs 3A, 3B and 3C)*.

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**Amendment 364**  
**ARTICLE 1, PARAGRAPHS 3 A, 3 B AND 3 C (new)**

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**3a. Any manufacturer, importer or downstream user performing or intending to perform operations involving a substance or a preparation, or an article containing such a substance or preparation, including the manufacturing, importation and application thereof, who knows or could reasonably have foreseen that these operations could adversely affect human health or the environment, shall make every effort that may reasonably be required of him to prevent, limit or remedy such effects.**

**3b. Any manufacturer, importer or downstream user that provides, in the pursuit of his profession or business, a substance or preparation, or an article containing such a substance or preparation, to a manufacturer, importer or downstream user shall, to the extent this may reasonably be required, ensure adequate communication and information exchange, including where appropriate technical assistance, reasonably necessary to prevent, limit or remedy adverse effects on human health or the environment.**

**3c. This includes the duty to describe, document and notify in an appropriate and transparent fashion the risks stemming from the production, use and disposal of each substance. Producers and downstream users shall select a substance for production and use on the basis of the safest substances available.**

### Authorisation process:

The Authorisation of the most hazardous chemicals should only be granted if no safer alternatives are available and the social and economic advantages outweigh the risks *(as proposed by the European Parliament in Amd. 232 to Art. 57)*.

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**Amendment 232**  
**ARTICLE 57, PARAGRAPH 2**

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2. An authorisation shall be granted **only** if:

(a) ***suitable alternative substances or technologies do not exist, and measures are in place to minimise exposure, and***

(b) ***it is demonstrated that the social and economic advantages outweigh the risks to human health or the environment which arise from the use of the substance, and***

(c) ***the risk to human health or the environment from the use of a substance arising from the intrinsic properties specified in Annex XIII(a) is adequately controlled in accordance with Annex I, section 6, and as documented in the applicant's chemical safety report.***

- There should be a time limit of maximum five years in order to promote innovation and the development of safer alternatives (*as proposed by the European Parliament Amd.235 to article 57*).

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**Amendment 235**  
**ARTICLE 57, PARAGRAPH 6**

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6. Authorisations **shall** be subject to review periods and **to the presentation of substitution plans, and may be subject to other conditions, including** monitoring. Authorisations shall be subject to a time-limit **not exceeding 5 years** .

- An analysis of alternatives and a substitution plan should be submitted by the applicant (*as proposed by the European Parliament Amd. 241 article 59*).

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**Amendment 241**  
**ARTICLE 59, PARAGRAPHS 4 AND 5**

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4. An application for authorisation shall include the following information:

**(da)** a socio-economic analysis conducted in accordance with Annex XV;

**(db)** an analysis of the alternatives considering their risks and the technical and economic feasibility of substitution, where appropriate accompanied by a substitution plan, including research and development and a timetable for proposed actions by the applicant.

## **Information to Downstream users and Consumers of chemicals**

- In the Chemical Safety Report, companies should identify risk management measures from 1 tonnes onwards (*as proposed by the European Parliament in Amd.110 to Art.13*).

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**Amendment 110**  
**ARTICLE 13, PARAGRAPH 1, SUBPARAGRAPH 1**

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1. Without prejudice to Article 4 of Directive 98/24/EC, a chemical safety assessment shall be performed and a chemical safety report completed for all substances subject to registration in accordance with this Chapter.

- Downstream users and Consumers must have the right to have information on chemicals present in EU-made and imported products (*as proposed by the European Parliament in Amds 366 and 166 to Art. 31A*).

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**Amendments 366 and 166**  
**ARTICLE 31 A (new)**

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### **Article 31a**

#### ***Duty to communicate information on substances contained in articles***

**1. Any manufacturer or importer of a substance listed in Annex XIII, or a preparation or article containing such a substance, shall at the request of the downstream user, in so far as this may reasonably be required, furnish the information necessary to assess the effects of the**

***substance on human health or the environment with respect to the operations and uses indicated in that request.***

***2. The information requirements specified in paragraph 1 shall apply mutatis mutandis up the supply chain.***

***3. Downstream users who incorporate into an article a substance or preparation for which a safety data sheet was established, and those who subsequently handle or further process that article, shall pass on the safety data sheet to any recipient of the article or its derivative. Recipients shall not include consumers.***

***Consumers shall have the right to ask the producer or importer for information on the substances present in an article produced or imported by him.***

***Producers or importers shall, on request and within 15 working days, enable any individual consumer to obtain, free of charge, full details of safety and use information concerning the substances present in any article they have produced or imported.***