



Downstream Users of Chemicals Co-ordination group

Comments from DUCC on CA/61/2020: Essential Uses

The Downstream Users of Chemicals Co-ordination group (DUCC) thanks the European Commission for the opportunity to provide comments on the above document discussed at the 37th meeting of CARACAL on 17th November 2020.

We appreciate the Commission's decision to launch a CARACAL discussion on this critical topic. DUCC members understand that the Commission's Chemical Strategy for Sustainability (CSS) combined with the need for a faster approach to the substitution of the most hazardous chemicals will drive decision making process. At the same time, discussions on this topic and any potential decisions on what will be recognised as an "essential use" will be of highly political nature with unavoidable socio-economic consequences.

DUCC members believe that a conclusion on a ban of a substance as such, or in a certain use, should be an outcome of detailed risk analysis followed by a socio economic assessment. Exposure assessment, risk management analysis driven by a scientific expertise should play a decisive role when limiting availability of certain substances/solutions on the EU market. Subjective judgment cannot replace robust regulatory processes.

In addition, we would like to point out that it is important to consider all angles of the benefits of use of certain chemistries in order to achieve the ambitious goals defined in the Green Deal. A holistic understanding of application/use is essential. This goes beyond just looking only at the chemical substances. The value they could bring to the society should be also considered. In some cases, chemical/ product when looked at in isolation might not be considered "essential". However, from sustainability perspective it could bring value in ensuring durability of an article (lesser use of raw materials and energy consumption and thereby addressing the objectives of Circular Economy).

We would like to note that essentiality should not be considered as permanent. Essentiality will go through constant change following societal needs and/or technical development (recent COVID-19 crisis is a good example of changes in societal needs). In addition, understanding/interpretation of essentiality may differ greatly between different geographical areas in EU or even between different groups (gender, social, political, etc). Thus, purely political decision that "the use is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects)" might become discriminative and also might hinder technological development and innovation

In our view a generic "definition based" approach to "essentiality" is not a solution that can ensure sufficient clarity and predictability to industry and consumers. If essentiality was looked at, it should be rather assessed on a case-by-case basis through set of criteria assigned after careful evaluation of all possible impacts to human health, environment, and the society (social and economic). One cannot also exclude importance of potential impacts on the EU businesses and EU economy. To further build innovation ability Industry needs to maintain ability to switch to alternative technologies/ chemicals or to develop the new ones.



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Overall, we would like to underline that, the decision on how to decide what “essential use” is should be very carefully considered and transparent. Therefore, we would support formation of dedicated expert group working on essentiality.

DUCG thanks the Commission for taking these comments into account and stands ready to contribute to the future discussions on the concept of Essential Use and its practical implementation.

Brussels, 07 January 2020



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About DUCC

DUCC is a joint platform of **11 European associations** whose member companies use chemicals to **formulate mixtures** (as finished or intermediary products) for professional and industrial users, as well as for consumers.

DUCC focuses on the downstream users' needs, rights, duties and specificities under **REACH** and **CLP**.

DUCC's membership represents several important industry sectors, ranging from cosmetics and detergents to aerosols, paints, inks, toners, pressroom chemicals, adhesives and sealants, construction chemicals, fragrances, disinfectants, lubricants, and chemical distributors industries. Altogether, their membership comprises more than **9.000 companies** across the respective sectors in Europe, the vast majority being SMEs. The calculated turnover of these companies is more than **215 billion euros** in Europe.

For more information on DUCC: www.ducc.eu

Jan Robinson – DUCC Chair, jan.robinson@aise.eu

Cristina Arregui – DUCC Vice-Chair, carregui@ifraorg.org

Lina Dunauskiene – DUCC Platform Manager, lina.dunauskiene@aise.eu

DUCC's public ID number in the **Transparency Register of the European Commission** is: **70941697936-72**