



ECHA Investigation Report on PVC and PVC Additives and Other Regulations Impacting the PVC Pipes Industry

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Today I will cover

- ECHA investigation report: key points for pipes
- Potential OEL on organotin
- Implementation of the lead in PVC restriction
- Drinking Water Directive
- Obligations under waste regulation (WSR, WFD)
- A new political momentum in Europe: outlook for future regulatory developments
- Global Plastics Treaty

ECHA investigation report

Key points for pipes

Scope

- Collect information on
 - the **potential risk to human health and the environment** of PVC additives and PVC itself throughout the **complete life cycle of PVC articles**,
 - the **socio-economic impact of a possible restriction** and
 - the **need for a European Union-wide** action beyond any measures already in place.
- Appraise the **availability, reliability and significance** of the collected information against the requirements of an Annex XV dossier, including uncertainties, assumptions and information gaps.
- **Clarify if there is sufficient evidence of risk** from the uses of PVC additives and PVC itself to justify additional regulatory measures.
- Assess possible **legal instruments** that could be used in addition to, or instead of, action under REACH to address any **identified risk that is not adequately controlled**.

The report reflects industry progress



Risks linked to PVC production adequately controlled thanks to industry efforts in compliance



Many additives are low-risk, and ECHA acknowledges substitution efforts



Recognition of VinylPlus 2030 - PVC is being recycled across the EU, with benefits for people and the environment

Yet, important shortcomings must be addressed

- 1** The report uses worst-case assumptions, assumes potential hazards are confirmed, and acknowledges data gaps
- 2** The chosen prioritisation for additives groups together substances identified as hazardous (SVHC/CLH) and others that are not
- 3** There are significant data gaps on microplastics, and microplastics require a broader approach than just PVC
- 4** Several technical errors which impact the conclusions should be corrected
- 5** The assessment of PVC versus alternative materials is incomplete, and therefore scientifically irrelevant

Next steps

- EC has not yet decided on regulatory follow-up.
- Out of the risk highlighted by ECHA, only two are more PVC-specific: Orthophtalates and organotin.
- On both, there is already ongoing work.

Potential OEL on organotin

Prioritisation by ACSH

The Advisory Committee on Safety and Health at Work

Opinion

Opinion on priority chemicals for new or revised occupational exposure limit values under EU OSH legislation

Doc.006-24

Adopted on 29/05/2024

Table 2 Priority substances under CAD			
Substance	CAS number	Current status	Justification
Tin and tin compounds – possibly to be evaluated as a group of compounds (those which are not classified as reprotoxic)	Several	Existing SCOEL/SUM/97 of 2003 to be updated.	Tin is REACH registered at $\geq 10,000$ to $< 100,000$ tonnes per annum. Widespread use e.g. welding and soldering, brazing of metal articles, professional use of tin metal or tin containing products.

Implementation of the lead in PVC restriction

Focus on pipes

Lead in PVC restriction for pipes

- REACH entry Annex XVII, entry 63, column 2. Lead:
- Shall not be placed on the market or used in articles produced from polymers or copolymers of vinyl chloride ('PVC'), if the concentration of lead is equal to or greater than 0,1 % by weight of the PVC material.
- Paragraph 15 (above) shall apply with effect from **29 November 2024**.
- Derogation: paragraph 15 shall not apply to the following **PVC articles containing recovered rigid PVC until 28 May 2033**, if the concentration of lead is lower than 1,5 % by weight of the recovered rigid PVC:
 - (e) **multi-layer pipes** (excluding pipes for drinking water), provided that **the recovered PVC is used in a middle layer and is entirely covered** with a layer of PVC or other material for which the concentration of lead is lower than 0,1 % by weight;
 - (f) **fittings**, excluding fittings for pipes for drinking water.

Requirements

- Suppliers of PVC articles containing recovered rigid PVC with a concentration of lead equal to or greater than 0,1 % by weight of the PVC material shall ensure, before placing those articles on the market, that they are **visibly, legibly and indelibly marked with the statement: “Contains ≥ 0,1 % lead”**. Where the marking cannot be provided on the article due to the nature of the article, it shall be on the packaging of the article.
- Suppliers of PVC articles containing recovered rigid PVC shall **submit to national enforcement authorities upon request documentary evidence to substantiate the claims on the recovered origin of the PVC** in those articles. Certificates issued by schemes to provide proof of traceability and recycled content, such as those developed according to EN 15343:2007 or equivalent recognised standards, may be used to substantiate such claims for PVC articles produced in the Union. Claims made on the recovered origin of the PVC in imported articles shall be accompanied by a certificate that provides equivalent proof of traceability and recycled content, issued by an independent third party.
- By 28 May 2028, **the Commission shall review this paragraph in light of new scientific information** and, if appropriate, modify it accordingly.

Drinking Water Directive

New European Positive List

- ECHA must create **European positive lists (EUPL)** for **starting substances used in products for drinking water contact (e.g. PVC pressure pipes)**
 - First EUPLs created from national positive lists and positive lists for food contact. **All entries must be reviewed within 15 years and are prioritised with validity dates (VCM: end 2028).**
 - Applications to maintain, introduce or remove
- a substance will need to be notified (18 months before validity date) and submitted to ECHA through a new module in IUCLID
- RAC review and form opinions on the basis of these applications.
 - European Commission decides based on RAC's opinion
 - ECHA will issue Guidance to support future applicants.
 -

Obligations under waste regulation (WSR, WFD)

Waste Shipment regulation

- Different rules for shipments outside the EU vs within
 - Outside the EU = BASEL convention [B3011, Y48, A3210](#).
 - PVC is not included in list B3011 (waste presumed not to be hazardous).
 - Falls under list Y48, 'waste requiring special consideration' => Prior Informed Consent procedure.
 - PVC waste that meets the criteria of annex I and III is included in list A3210 and considered as hazardous waste.
 - Inside the EU = Specific EU lists
 - PVC is included in EU3011, and therefore "green listed"
 - However, there is a specific scope for that green list, and not all PVC waste fall under it: Mixtures of PVC waste fall under EU48, and list AC300 includes PVC waste that contains certain constituents and contaminants considered hazardous.

Intra-EU Green Listed Waste

- Green-listed PVC waste is defined in Annex III, under list **EU3011**. The regulation states that it has to be **‘almost free from contamination and other types of waste’**, **‘almost exclusively consisting of’** PVC, and **‘destined for recycling’**?
- ‘almost free from contamination and other types of waste’ and ‘almost exclusively consisting of’ mean that in a consignment of plastic waste, classified under entry EU3011, the content of contamination, other types of wastes or non-halogenated polymers, cured resins or condensation products, or fluorinated polymers, other than the one non-halogenated polymer, cured resin or condensation product, or fluorinated polymer that makes up the **bulk** of the plastic waste shall not exceed a total maximum of 6 % of the weight of the consignment.
- **Requirements: General information requirements** laid down in [Article 18](#) of the waste shipment Regulation.

Intra-EU amber listed waste

- **EU48** : ‘plastic waste not covered by (...) EU3011 in Part I of Annex III, as well as mixtures of plastic waste not covered by point 4 of Annex IIIA’. This list includes both **PVC waste that is above the 6% threshold** as well as **PVC mixtures**, provided that they **do not contain or are not contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic**.
- **AC300**: all plastic waste, including mixtures of such wastes, **containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic**.
- **Requirements**: Prior Informed Consent Procedure

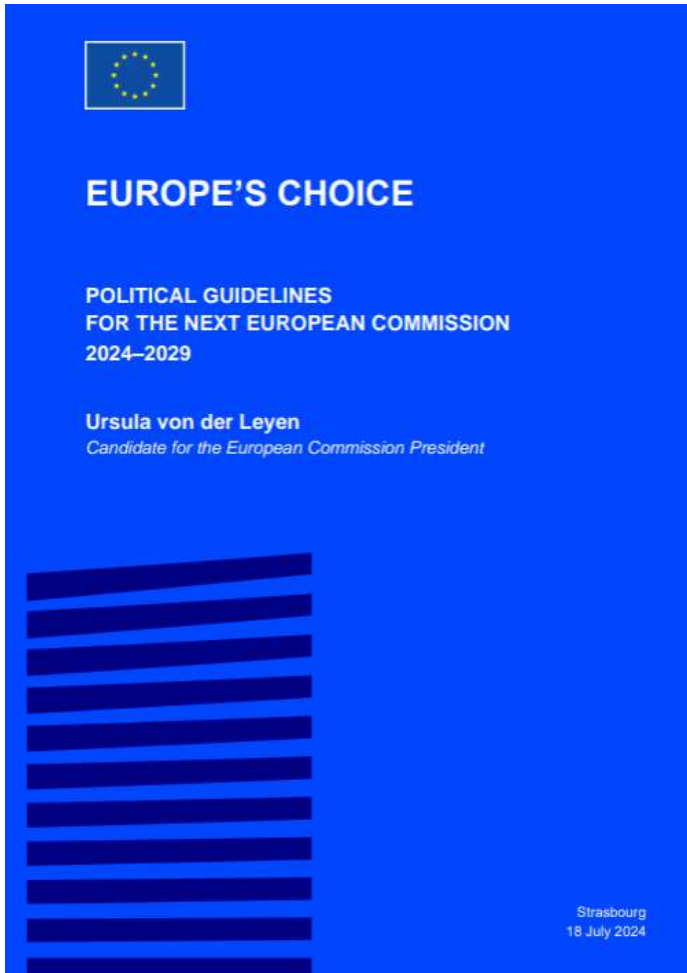
Waste Framework Directive

- Annex III of the Waste Framework Directive sets the concentration limits for hazardous substances in waste, above which the waste is considered hazardous.
- Member States shall ensure:
 - That the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health, including action to ensure traceability from production to final destination and control of hazardous waste.
 - That hazardous waste is not mixed, either with other categories of hazardous waste or with other waste, substances or materials. Mixing shall include the dilution of hazardous substances (derogation are foreseen in specific circumstances)
 - set up separate collection for hazardous waste fractions produced by households to ensure that they are treated in a way that protects the environment and human health (By 1 January 2025).
- A number of labelling and information requirements are required for hazardous waste.
- Even if does not meet Annex III conditions, a Member State can decide that certain waste is hazardous.
- On the other hand, if a Member State has evidence to show that specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may consider that waste as non-hazardous waste. The Member State shall notify the Commission of any such cases without delay and shall provide the Commission with the necessary evidence. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.
- The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

A new political momentum in Europe

Outlook for future regulatory developments

NEW POLITICAL MOMENTUM – EUROPEAN COMMISSION PRIORITIES



- A new plan for Europe’s sustainable prosperity and competitiveness to:
 - **Make business easier**
 - Complete Single Market;
 - New approach to competition policy
 - Focus on implementation and simplification
 - Introduce SME & competitiveness check
 - **Clean Industrial Deal to decarbonise**
 - Industrial Decarbonisation Accelerator Act
 - Lower energy prices (Energy Union)
 - **More circular and resilient economy**
 - Circular Economy Act (single market for waste)
 - New chemicals industry package, aiming to simplify REACH and provide clarity on PFAS
 - **Put research and innovation at the heart of our economy**
 - Increase research spending
 - **Turbo Charge investments**
 - Revision of Public Procurement Directive
 - New European Competitiveness Fund

Key Commissioners

Teresa Ribera

- Executive Vice-President of a **Clean, Just and Competitive Transition**

Stéphane Séjourné

- Executive Vice-President for **Prosperity and Industrial Strategy**

Maroš Šefčovič

- Commissioner for **Trade and Economic Security**
- Commissioner for Interinstitutional Relations and Transparency

Valdis Dombrovskis

- Commissioner for **Economy and Productivity**
- Commissioner for **Implementation and Simplification**

Wopke Hoekstra

- Commissioner for **Climate, Net Zero and Clean Growth**

Jessika Roswall

- Commissioner for **Environment, Water Resilience and a Competitive Circular Economy**

Dan Jørgensen

- Commissioner for **Energy and Housing**
- First ever Commissioner for Housing!

Ekaterina Zaharieva

- Commissioner for **Research and Innovation**

Beyond the EU

Global Plastics Treaty

Key points & negotiation process

- UN treaty negotiations started in 2022 and should be finalised by 1 December 2024

- Key points:
 - Production caps
 - Chemicals of Concern
 - Problematic and Avoidable Plastic Products
 - Design criteria
 - Financing

- EU position:
 - EU is part of the so-called “High Ambition Coalition”
 - Advocate for strong legally binding global requirements, including on Chemicals of Concern and Problematic and Avoidable Plastic Products.

PVC **4** PIPES

Thank you!

pvc4pipes.com

