

To: President of the European Commission, Ursula von der Leyen
CC: Commissioner for Environment, Oceans and Fisheries. Mr. Virginijus Sinkevičius

Brussels, 29 September 2020

Re: Call to continue progress on the SCIP database, for consumers and the planet

Dear President von der Leyen,

The past decades have seen an extraordinary proliferation of toxic chemicals in the products we produce and consume. Keeping track of where those chemicals are is a crucial aspect of protecting human health and the environment from hazardous substances.

While revising the Waste Framework Directive, the EU co-legislators decided to improve transparency on substances of very high concern. The goal was to create a source of information for consumers and waste managers, and ultimately to promote non-toxic material cycles. To achieve this objective, the co-legislators set clear obligations and deadlines for the European Chemicals Agency (ECHA) to develop a database (now referred as [SCIP database](#) - for “substances of concern in products”, fed by information sent by suppliers).

We understand the industry has been asking you [repeatedly](#) to [weaken and delay](#) this obligation set in law. Citizens are increasingly worried about the impacts of chemicals on health and the environment¹. Further delay in ensuring transparency would be unacceptable.

In December 2018, 41 non-governmental organisations supported the SCIP database in an [open letter](#). The undersigned call on you again to resist industry pressure, including the demand from certain companies to postpone the creation of the database.

The SCIP database serves the Commission’s agenda

In your political guidelines, you emphasised the need for the EU to lead the transition to a healthy planet and new digital world. The SCIP database delivers key promises found in the Digital Strategy and the Circular Economy Action Plan. Bridging waste and chemicals legislation, it is a further step to empowering consumers by ensuring that they “receive trustworthy and relevant information on products”, and the chemicals present in them² and by supporting the “potential of digitalisation of product information, including solutions such as digital passports, tagging and watermarks”³. It supports the creation of an EU chemicals dataspace and enables enforcement activities.

There is strong support for tracking substances of concern⁴. That is why your proposal to fund research on digital innovations to trace chemicals in materials along the supply chain has attracted

¹ See Eurobarometer, March 2020 accessible at <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getSurveydetail/instruments/special/surveyky/2257>

² See European Commission, Circular Economy Action Plan, 11 March 2020, accessible at https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf, p. 5

³ See European Commission, Circular Economy Action Plan, 11 March 2020, accessible at https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan.pdf, p. 6

⁴ See European Commission, Summary report: public consultation on the interface between chemical, product and waste legislation, 4 march 2019, accessible at:

so much support, including in the European Parliament⁵. Undermining SCIP means undermining your objectives: the transition to a circular economy, a toxic-free environment, and Europe's digital future.

The obligation set by the co-legislators cannot be tampered with

The Council and the European Parliament have made the creation of the SCIP database an obligation by amending Article 9(2) of the Waste Framework Directive. It would be both undemocratic and illegal for the Commission to defer the entry into force of an obligation that the co-legislators set with a specific deadline, or to weaken the obligations they created in any way.

The time for an impact assessment has passed

The industry's request for an impact assessment on the feasibility **of the database is yet another attempt to obtain an illegal deferral of the legislative deadline**. The Commission does not have the power to launch an impact assessment on actions already set in law - impact assessments are for the comparison of different actions before one is taken⁶. Nor was an obligation violated by not doing an impact assessment on SCIP in the first place. SCIP stems from legislative amendments, and the co-legislators may but are not obliged to assess the impact of their amendment⁷.

A new database, but an old obligation

Companies are vocal about the impact of SCIP but remain silent on the number of articles containing substances of very high concern. Knowing if their articles contain these substances has nonetheless been an obligation imposed on them since the entry into force of REACH, 13 years ago.

The new provision under the Waste Framework Directive only adds an obligation to notify ECHA of the information useful for consumers and waste managers.

It is true that ECHA released the prototype later than planned. However, it set the list of information to be declared very early in the process and has not changed it since. It has developed the database in a fully transparent way, consulting and informing stakeholders at each step of the process. Even though there was a delay in the database itself, there was no delay in the communication of what information needs to be collected and notified. Companies have had years to prepare. As a consequence, COVID-19 is no excuse for postponing the obligations connected to SCIP.

We very much support the EU institutions in developing the database. Therefore, we call on you not to cede to industry demands and maintain your digital and circular economy commitments by defending the SCIP database project.

The European Environmental Bureau (EEB) and ClientEarth,

<https://ec.europa.eu/info/sites/info/files/summary-report-public-consultation-chemical-product-waste-legislation.pdf>, p.5 to 7

⁵ European Parliament resolution of 10 July 2020 on the Chemicals Strategy for Sustainability (2020/2531(RSP))

⁶ Paragraph 12 of the Interinstitutional Agreement on Better law making of 13 April 2016, accessible at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016Q0512\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016Q0512(01)&from=EN) and see better regulation toolbox n°9 "When is an impact assessment necessary?" <https://ec.europa.eu/info/sites/info/files/better-regulation-guidelines-impact-assessment.pdf>

⁷ Paragraph 15 of the Interinstitutional Agreement on Better law making of 13 April 2016, accessible at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016Q0512\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016Q0512(01)&from=EN)

This letter is also endorsed by 49 supports from civil society and a national authority:

Basel Action Network
Break Free From Plastic Movement
Bundesverband Meeresmüll /
GermanMarine Litter Organization e.V.
Cancer Prevention & Education Society
Center for International Environmental Law
(CIEL)
Changing Markets Foundation
CHEM Trust
Centrul Național pentru Producție și
Consum Durabile, CNPCD
Deutsche Meeresstiftung
Društvo Ekologi brez meja
ECOCITY
ECOS
Ecologistas en Acción
Environmental Investigation Agency
Fidra
Forbrugerrådet Tænk
Framtiden i våre hender
Friends of the Earth Germany (BUND e.V.)
Fundacion Alborada
Gezinsbond
Global 2000
Green Liberty
Green Transition Denmark
Health and Environment Alliance (HEAL)
Health Care Without Harm (HCWH) Europe

HEJSupport (Health and Environment
Justice Support)
Justice Pesticides
International Campaign for Responsible
Technology
Klimaschutzministerium, Austria
Let's Do It Foundation
PAN Europe
Pestizid Aktions-Netzwerk e.V. (PAN
Germany)
Plastic Change
Plastic Soup Foundation
Réseau Environnement Santé
Rethink Plastic alliance
Rezero
Seas at Risk
Swedish Consumers' Association
Tegengif
UPSTREAM
Verein für Konsumenteninformation (VKI)
VOICE of Irish Concern for the Environment
VšĮ "Žiedinė ekonomika"
Women Engaged for a Common Future
(WECF)
Za Zemiata
ZERO - Association for the Sustainability of
the Earth System
Zero Waste Alliance, Ireland
Zero Waste Association, Poland



#breakfreefromplastic





Forbrugerrådet
Tænk

Framtiden i
våre hender



Gezinsbond
groeit met je mee



Zaļā brīvība



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Bundesministerium
Klimaschutz, Umwelt,
Energie, Mobilität,
Innovation und Technologie



PAN Germany
Pestizid Aktions-Netzwerk e.V.

plastic change



Rezero SEAS AT RISK

SVERIGES
KONSUMENTER
THE SWEDISH CONSUMERS' ASSOCIATION



voice



Za Zemiata
Friends of the Earth Bulgaria



GAN DRAMHAÍL II
ÉIRINN
NULINĒ'S ATLIEKĀ
AIRIJOJE

