

06. CHEMICALS MANAGEMENT

POLICY & LEGISLATIVE DEVELOPMENTS

With the adoption of the Law on Chemicals and the Law on Biocidal Products and their bylaws, a modern system of chemicals management based on the EU model was established. However, the chemicals management system requires further development, through continued harmonization with updated EU regulations and capacity building, both of which are necessary for effective implementation of regulations.

Although the process of aligning the chemicals management framework with relevant EU regulations has generally slowed since 2012 (described in detail in the previous report), certain progress was achieved in 2017.

Some progress has been made in updating regulations pertaining to classification and labelling to ensure adaptation to technical and scientific progress (ATP)²³. In the course of 2017, a Rulebook on amendments of the Rulebook on classification, packaging and labelling of chemicals and certain products in accordance with the UN Globally Harmonised System for classification and labelling ("Official Gazette of RS", no. 52/2017) was adopted, and the Rulebook on the List of classified substances ("Official Gazette of RS", no. 50/2017) was updated, thereby harmonising Serbian legislation with the EU regulations up to the seventh ATP. However, further harmonisation in these sub-areas is necessary as relevant EU regulations have been additionally updated.

With regard to updating regulations on bans and restrictions on production, placing on the market and the use of chemicals during 2017, some amendments have been adopted ("Official Gazette of RS", no. 44/2017). The List of candidate substances for the List of substances of very high concern (SVHC) was adopted in mid-2016, which enables the exercise of consumer rights to information on SVHCs in products. However, the Serbian List must be further harmonised, as the EU List has been additionally updated to include, *inter alia*, the substance Bisphenol A (BPA), which is widely used.

The alignment of regulations on testing methods for the evaluation of hazardous properties of chemicals lags significantly behind the updated EU regulations (Serbian regulations have not been updated since 2012).

Alignment with Regulation EU 528/2012 on biocidal products is planned for the first quarter of 2018. During 2017, the drafting of a new Law on Biocidal Products began. The List of biocidal products listed in the Registry of biocidal products during 2015 and 2016 was also updated. As was the Rulebook on the content of basic information that must be provided about biocidal products and active substances contained in biocidal products.

There has been no significant development in the past year regarding **administrative**

capacity to perform expert work related to chemicals management. Despite the clear need to increase administrative capacity, particularly in chemicals regulation expertise, the limitations currently in place on hiring civil servants indicates it is unrealistic to expect improvement of the capacity of the Chemicals Department in the near future, notwithstanding the recent establishment of the Ministry of Environmental Protection.

It is important to note that through the implementation of activities within international projects in the area of chemicals and biocidal products management²⁴, a number of training courses have been organised for representatives of the state authorities dealing with these issues as well as the wider professional community, with the aim to strengthen **professional capacities in the scientific and academic sector** for effective implementation of legal regulations, primarily related to regulatory risk assessment.

Given that the legislation on chemicals covers only one phase of the life cycle of chemicals, i.e. placement on the market and use of chemicals, and that there are other phases in the chemicals life cycle, from production to disposal, it is essential to establish adequate cooperation and coordination between the authorities responsible for implementing regulations on chemicals and other relevant sectors, primarily in the field of environmental protection. To date, no information has been made available about the establishment and work of the Joint Body for Integrated Chemicals Management or the adoption of the Integrated Chemicals Management Programme, which are envisaged as key coordination mechanisms to ensure safe management of chemicals throughout entire life cycle.

IMPLEMENTATION

The adoption of the new Rulebook on permits for performing business activities and/or permits for the use of particularly hazardous chemicals ("Official Gazette of RS" no. 6/2017) has caused additional problems for the implementation of this regulation in practice. The problem has been caused by the classification of chemicals in the hazard class *skin corrosion/irritation* (subcategory 1B) as particularly hazardous chemicals. Firstly, there are no clear scientific criteria for the including chemicals classified in this subcategory of hazards as particularly hazardous chemicals. Secondly, given that a large number of products contain so-called household chemicals, primarily degreasers used for cleaning fat deposits, the number of persons in need of a permit to trade in particularly hazardous chemicals has increased significantly, including individual shops selling chemicals in this subcategory and hazard class. Thirdly, the permitting system for distributors, which is supposed to be located in local self-governments, is not yet sufficiently functional. The new regulation on very dangerous chemicals does not ensure the protection of end-users (which was one of the goals of the regulation), because in the majority of cases a person using a chemical for general use is not subject to the regulation. The introduction of this measure is not based on the real danger that subcategory 1B chemicals pose in practice; is it neither applicable to the type of product to which it is currently applied, nor to the companies that must implement it.

²⁴ Training courses were conducted within the IPA project "Further Development of Chemicals and Biocidal products Management in the Republic of Serbia" (ref.br. Twinning project SR 13 IB EN 03)

It is important to acknowledge that further alignment of regulations in the area of classification and labelling has been achieved. However, problems have occurred in the implementation of regulations related to chemicals labelling. Specifically, the modification of wording in precautionary phrases (P-phrases) on labels has been problematic, particularly in situations where no substantive changes were made to the text (in cases the P-phrase is only reformulated). The deadline for compliance with the changes –approximately three months– was too short. As a result, some chemical products placed on the market have labels that are now inconsistent with the relevant regulations. Replacing labels also carries a significant cost to the suppliers. The way the regulation was conceived and implemented was unsatisfactory. There has been a lack of transparency in the adoption of regulations and the predictability of costs related to trading in chemicals in the Serbian market has been undermined. It is important for companies that are affected by changes in regulations to be informed in a timely and clear manner.

Although there is dialogue between the competent authorities and the chemicals industry and other stakeholders, it is necessary to improve communication in order to better inform companies about their obligations related to implementation of the EU regulations in the area of chemicals and biocidal products.