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2 February 2016

RE: The European Commission's approach to chemicals which can disturb the hormonal system

Dear Commissioner Andriukaitis,

On behalf of BEUC, The European Consumer Organisation, I write to urge you to take immediate action to ensure better protection of consumers against hormone-disrupting chemicals.

Under EU biocides, pesticides and cosmetics laws, the European Commission is obliged to adopt scientific criteria identifying hormone-disrupting chemicals. So far, all legal deadlines have passed without the Commission taking action.

This failure to act is of major concern as it is impossible to restrict or ban the most harmful of these chemicals without such legal criteria. As a consequence, consumers continue to be exposed to chemicals which put our health at risk.

The General Court of the European Union has found¹ that this failure to adopt scientific criteria is unlawful. The Court ruled that an impact assessment is not required as a precondition for setting criteria and that the Commission is obliged to keep the deadlines unambiguously set in legislation.

We were therefore disappointed to learn that the Commission nonetheless plans to continue with its impact assessment rather than swiftly adopt legal criteria. Given the Commission's role as the Guardian of the Treaties, this disregard for the Court's decision is alarming. Disrespecting the Court's ruling and the need to protect consumers' health risks alienating citizens from EU-decision making bodies.

Impact assessments should be used to improve, not threaten or delay much needed regulatory action. In view of the significant delay caused by the impact assessment for scientific criteria, BEUC calls on the Commission to review more generally the extent to which your services the Commission's use of impact assessments is causing unnecessary delays in protecting European consumers. If this is the case, I urge the Commission to launch a wider overhaul of the Commission's 'Better Regulation' agenda.

Given the public interest in the matter BEUC will make this letter publicly available.

Yours sincerely,

Monique Goyens
BEUC, Director General

Encl.: Annex – BEUC's position on Endocrine-Disrupting Chemicals.

¹ <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-12/cp150145en.pdf>

Annex – BEUC’s position on Endocrine-Disrupting Chemicals

Endocrine disruptors are detrimental to health and the environment

Scientists warn that exposure to endocrine-disrupting chemicals (EDCs) may cause a range of chronic and severe diseases such as obesity, cardiovascular diseases, cancer, diabetes and infertility. In September 2015, the Endocrine Society² published its Second Scientific Statement on Endocrine-Disrupting Chemicals³ concluding that there is no longer any doubt that exposure to endocrine disruptors are contributing to some chronic endocrine-related diseases. The Endocrine Society statement includes a review of 1,300 studies on EDCs, which show more evidence than ever of the links between EDCs and health problems including: obesity and diabetes, female reproduction, male reproduction, hormone-sensitive cancers in females, prostate cancer, thyroid, and [disruption of] neurodevelopment and neuroendocrine systems.

The cost to European societies of EDC exposure is staggering.

In the EU, the cost of this exposure has recently been estimated at euros 157 billion or 1.23 percent of gross domestic product – per year.⁴ This estimate includes *direct* costs such as hospital stays, physicians' services, nursing-home care and other medical costs as well as *indirect* costs resulting from lost worker productivity, early death and disability, and loss of intellectual abilities caused by prenatal exposure. However, this estimate does not cover *intangible* cost such as a loss of life-quality, suggesting that the true cost of EDC exposure is much higher.

Consumer exposure to EDCs is ubiquitous

Given that suspected endocrine disruptors are found in many everyday products, the exposure of consumers to these harmful chemicals are of major concern for consumer health and safety. The comparative product tests undertaken by BEUC’s members frequently detect endocrine disruptors in products consumers come in very close, regular and prolonged contact with, such as e.g. textiles, shoes, toys, cosmetics, bed mattresses, breast feeding pillows, play mats for children, etc. However, our members also find that endocrine disruptors are present in some but not in all products. As these toxic chemicals very often are not necessary for production – and as price often does not seem to be a decisive factor either – much of the exposure could be avoided.

The European Commission must act now to curb the threat from EDCs

On December 16, 2015 the General Court ruled that the European Commission has violated EU law by failing to adopt measures concerning the specification of scientific criteria for the determination of endocrine-disrupting properties according to Regulation No 528/2012 concerning the placing on the market and use of biocidal products.⁵

The Court concluded that **criteria for the determination of endocrine-disrupting properties shall be based on science relating to the endocrine system only and not on economic considerations**. The Court further found that the impact assessment carried out by the Commission does not exonerate the Commission from complying with the deadline set in Regulation No 528/2012.

BEUC has in the past argued that the Commission’s decision to carry out an impact assessment in relation to the adoption of the scientific criteria is inappropriate and we urged the Commission to promptly publish criteria which takes into account the latest scientific evidence on endocrine disruptors. This view is also shared by the EDC-Free Europe coalition which brings together over 60 health, environmental and consumer groups, campaigning to reduce exposure from endocrine-disrupting chemicals.⁶

² The Endocrine Society is the world’s oldest, largest and most active organisation devoted to research on hormones and the clinical practice of endocrinology.

³ <http://press.endocrine.org/doi/10.1210/er.2015-1010>

⁴ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4399291/>

⁵ <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-12/cp150145en.pdf>

⁶ <http://www.edc-free-europe.org/>

BEUC welcomes the Court's landmark decision as a victory for European consumers. Our everyday exposure to hormone disrupting chemicals – in our homes, workplaces and communities – must stop in order to protect the health of current and future generations.

BEUC again urges the Commission to urgently adopt criteria which clearly identify all EDCs. In particular, BEUC calls on the Commission to adopt EDC criteria in accordance with 'option 3' outlined in the roadmap on 'Defining criteria for identifying Endocrine Disruptors'⁷ as this will enable the EU to effectively address the threats of long-term health and environmental damage posed by EDCs. Adopting EDC criteria is for example a precondition for reviewing the Cosmetics Regulation with regard to substances with endocrine-disrupting properties – a review the Commission has failed to perform despite an obligation to do so no later than 11 January 2015. Until such criteria are adopted, the EU should apply the precautionary principle and ban the use of EDCs in consumer goods where safer alternatives are available.

END

⁷ http://ec.europa.eu/smart-regulation/impact/planned_ia/docs/2014_env_009_endocrine_disruptors_en.pdf