**Hazardous Substances Series**

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**Overview Assessment:**

**Implementation of**

**PARCOM Decision 95/1 on Short Chained Chlorinated Paraffin**

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OSPAR Commission

2006

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”) was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

*La Convention pour la protection du milieu marin de l'Atlantique du Nord-Est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l’Irlande, l’Islande, le Luxembourg, la Norvège, les Pays‑Bas, le Portugal, le Royaume‑Uni de Grande Bretagne et d’Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l’Espagne.*

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# Executive Summary/*Récapitulatif*

This document provides an overview and assessment of the implementation of PARCOM Decision 95/1 on Short Chained Chlorinated Paraffins (SCCPs) in the OSPAR Convention area in 2005. It is based on national implementation reports received from nine of 15 Contracting Parties which have been requested to submit, in the 2005/2006 meeting cycle, reports on the national measures taken, and their effectiveness, to give effect to the provisions of the Decision in their territories. So far Iceland, Ireland, Luxembourg and Portugal have not supplied evidence that the measure has been implemented in their territories.

*Le présent rapport comporte un récapitulatif et une évaluation de la mise en œuvre de la Décision PARCOM 95/1 sur l'abandon des paraffines chlorées à chaîne moléculaire courte dans la zone de la Convention OSPAR en 2005. Il se fonde sur les rapports nationaux de mise en œuvre communiqués par neuf des quinze Parties contractantes. Ces dernières sont tenues de communiquer, durant le cycle des réunions 2005/2006, des rapports sur les mesures nationales qu’elles ont prises ainsi que sur leur efficacité afin d’appliquer les dispositions de la Décision dans leur territoire. Jusqu’à présent, l’Irlande, le Luxembourg et le Portugal n’ont pas communiqué d’informations qui indiquent que des mesures ont été mises en œuvre.*

All reporting Contracting Parties have taken measures to implement PARCOM Decision 95/1. This has mostly been done through legislation implementing Directive 2002/45/EC which partly covers the requirements (uses) of PARCOM Decision 95/1. Some Contracting Parties reported a full ban of all or certain uses of SCCPs and reductions achieved in uses which still continued. SCCPs have been broadly phased-out or banned in most Contracting Parties at least for those uses covered by Directive 2002/45/EC.

*Toutes les Parties contractantes concernées ont pris des mesures afin de mettre en œuvre la Décision PARCOM 95/1. Ceci s’est fait principalement par le biais de la législation qui met en œuvre la Directive 2002/45/CE qui couvre en partie les exigences (utilisations) de cette Décision. Certaines Parties contractantes ont notifié une interdiction totale de toutes ou certaines utilisations des SCCP et des réductions dans leur utilisation auxquelles elles sont parvenues et qui persistent. Les SCCP ont été abandonnées ou interdites par la plupart des Parties contractantes, au moins en ce qui concerne les utilisations couvertes par la Directive 2002/45/CE.*

A review of all remaining uses of SCCPs (not covered by Directive 2002/45/EC) will be carried out by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment. The future EC risk reduction measures for the use of MCCPs may also be of relevance for the PARCOM Decision 95/1.

*La Commission européenne, en coopération avec les Etats membres et la Commission OSPAR, entreprendra une étude de toutes les utilisations restantes des SCCP -qui ne sont pas couvertes par la Directive 2002/45/CE- à la lumière de toutes nouvelles données scientifiques pertinentes portant sur les risques que présentent les SCCP pour la santé et l’environnement. Les futures mesures de réduction des risques de la CE en ce qui concerne l’utilisation des MCCPs peuvent éventuellement être pertinentes à la Décision PARCOM 95/1.*

Monitoring data on SCCPs will become available from reporting under the Water Framework Directive which lists SCCPs as priority hazardous substance, and could be used by OSPAR for further surveillance of the implementation of PARCOM Decision 95/1.

*Les données qui découlent de la surveillance des SCCP seront disponibles dans le cadre de la Directive cadre sur l’eau, qui énumère les SCCP en tant que substances dangereuses prioritaires. Ces données peuvent être utilisées par OSPAR lorsque l’on surveille, à l’avenir la mise en œuvre de la Décision PARCOM 95/1.*

OSPAR 2006 agreed that further implementation reporting on PARCOM Decision 95/1 could cease for all Contracting Parties.

*OSPAR 2006 est convenue que toutes les Parties contractantes peuvent cesser la notification de la mise en œuvre de la Décision PARCOM 95/1.*

# 1. Introduction

## 1.1 PARCOM Decision 95/1

Short chained, highly chlorinated paraffins, in particular those with carbon chain length between 10 and 13 and a chlorination level of >50%, are persistent, bioaccumulating and toxic (PBT) substances which have been found in the aquatic environment of industrial and non-industrial areas and in aquatic and terrestrial organisms. For its PBT properties, short chained chlorinated paraffins (SCCPs) have been selected and prioritised by OSPAR as chemicals for priority action.

PARCOM Decision 95/1 requires Contracting Parties to phase-out the use of SCCPs as plasticiser in paints, coatings and sealants; as flame retardants in rubber, plastics and textiles; and their use in metal working fluids. The phase-out for these uses should be achieved by 31 December 1999, except for uses as plasticizer in sealants in dams and as flame retardant in conveyor belts for the exclusive use in underground mining which should be phased-out by 31 December 2004. The Recommendation initiates further study of other uses of SCCPs which lead to diffuse discharges to the aquatic environment and the exchange of information on acceptable substitutes for SCCPs.

## 1.2 EC legislation

EC legislation relevant for the control and reduction of inputs of nonylphenol and nonylphenol-ethoxylates to the marine environment are for example:

a. Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as amended by Directive 2002/45/EC;

b. Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (Water Framework Directive).

## 1.3 Implementation reporting

### *1.3.1 General reporting requirements*

Under Article 22 of the OSPAR Convention, Contracting Parties shall report to the Commission at regular intervals on the national measures (legal, regulatory, or other) taken by them to implement the provisions of the decisions and recommendations adopted under the OSPAR Convention and on the effectiveness of these national measures. This implementation reporting forms the basis for OSPAR to assess the compliance by Contracting Parties with the Convention and ultimately to evaluate the effectiveness of programmes and measures under the Convention.

Detailed provisions on implementation reporting and related assessments by OSPAR are laid down in OSPAR’s Standard Implementation Reporting and Assessment Procedure (reference number 2003-23, update 2005). Unless stated otherwise in the OSPAR instrument concerned, the practice has been in general that an implementation report should be submitted to the appropriate OSPAR subsidiary body in the intersessional period four years after the adoption of a measure and every four years thereafter until fully implemented. Implementation reporting does not apply to Contracting Parties with reservations (or non-acceptance) on an OSPAR measure unless and until the reservation (or non-acceptance) is lifted.

### *1.3.2 Reporting requirements under PARCOM Decision 95/1*

This overview assessment of the implementation of PARCOM Decision 95/1 has been prepared by lead country Sweden based on national reports submitted by Contracting Parties in the 2005/2006 meeting cycle, and has been examined by the Hazardous Substances Committee (HSC) in 2006. Previous implementation reporting took place in accordance with the provisions of PARCOM Decision 95/1 requiring reporting in 1996, 2001 and 2005. Overview assessments of reporting in 1996 and 2001 were published in the corresponding following year and can be obtained from the OSPAR Secretariat upon request.

The last overview assessment (published in 2002) concluded that a full assessment of the implementation status of PARCOM Decision 95/1 in the OSPAR Convention area was not possible, partly because no updated information had been provided by some Contracting Parties which previously had reported on planned measures to give effect to the Decision. In 2001, some Contracting Parties had adopted national measures to phase-out the uses of SCCPs covered by the Decision. Some Contracting Parties reported achieved reductions in the relevant uses of SCCPs. Sweden reported to have achieved a complete phase-out of SCCPs used in metal working fluids and an almost complete phase out of uses in products.

# 2. Overview of compliance

All Contracting Parties – except the United Kingdom which has a reservation on PARCOM Decision 95/1 – were invited to submit implementation reports on PARCOM Decision 95/1 by 31 August 2005. An overview of the implementation reports received in the 2005/2006 meeting cycle is included in Table 1. National reports received in 2005/2006 are appended to this overview assessment. A summary of reports on the effectiveness of measures taken is given in section 3.

Despite their reservation, the United Kingdom reported on their implementation on a voluntary basis. With nine Contracting Parties reporting, this assessment covers a great part of the OSPAR Convention area. Of those Contracting Parties that have not reported in 2005/2006, Denmark and France reported in the last implementation reporting round in 2001. So far, Ireland, Iceland, Luxembourg and Portugal have not supplied evidence that the measure has been implemented in their territories.

**Table 1:** Overview of the implementation of PARCOM Decision 95/1

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Contracting Party** | **Reserva-tion** | **Report**  **submitted in 2005/2006** | **Measure applicable** | **Means of implementation by** | | |
| **Legislation** | **Administrative action** | **Voluntary agreement** |
| **Belgium** | No | Yes | Yes | Yes | No | No |
| **Denmark\*** | No | No | Yes | (Yes)3 | No | No |
| **France\*** | No | No | Yes | (Yes)3 | No | No |
| **Finland** | No | Yes | Yes | Yes | No | No |
| **Germany** | No | Yes | Yes | Yes | No | No |
| **Iceland** | No | No |  | No evidence supplied that measure is implemented | | |
| **Ireland** | No | No |  | No evidence supplied that measure is implemented | | |
| **Luxembourg** | No1 | No |  | No evidence supplied that measure is implemented | | |
| **Netherlands** | No | Yes | Yes | Yes | No | No |
| **Norway** | No | Yes | Yes | Yes | No | No |
| **Portugal** | No1 | No |  | No evidence supplied that measure is implemented | | |
| **Spain** | No | Yes | Yes | Yes | No | Yes |
| **Sweden** | No | Yes | Yes | Yes | Yes | Yes |
| **Switzerland** | No | Yes | Yes | Yes | No | No |
| **United Kingdom** | Yes | (Yes)2 | No | Yes | Yes | Yes |

\* Information taken from national reports submitted in 2001.

1 Luxembourg lifted their non-acceptance and Portugal their reservation at OSPAR 1998.

2 As the UK has a reservation on PARCOM Decision 95/1, they are not subject to implementation reporting. The UK still submitted an implementation report on a voluntary basis.

3 In 2001, Denmark and France reported that legislation was under preparation to implement EC Directive 2002/45/EC which, at that time, was still under development.

All reporting Contracting Parties refer to national legislation implementing Directive 2002/45/EC as means for implementing PARCOM Decision 95/1. Directive 2002/45/EC makes the following provisions:

*“Alkanes, C10-C13, chloro (short-chain chlorinated paraffins)*

*1. May not be placed on the market for use as substances or as constituents of other substances or preparations in concentrations higher than 1 %:*

*- in metalworking;*

*- for fat liquoring of leather.*

*2. Before 1 January 2003 all remaining uses of SCCPs will be reviewed by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment.*

*The European Parliament will be informed of the outcome of this review.”*

The scope of Directive 2002/45/EC differs slightly from that of OSPAR Decision 95/1 which is broader in scope covering the following use categories for short chained chlorinated paraffins:

a. use as plasticiser in paints and coatings;

b. use as plasticiser in sealants;

c. use in metal working fluids;

d. use as flame retardant in rubber, plastics and textiles.

The time frames for implementing the marketing and use restrictions under Directive 2002/45/EC and for the phase-out of SCCPs under PARCOM Decision 95/1 also differ slightly as national measures to implement the Directive are to be in place by 6 July 2003 and should be applied by 6 January 2004 at the latest. Under Decision 95/1 in contrast, use in category b. above for plasticiser in sealants in dams and in category d., in conveyor belts for the exclusive use in underground mining are to be phased-out by 31 December 2004 while all other uses of short chained chlorinated paraffins in categories 2a-2d are to be phased-out by 31 December 1999.

# 3. Overview of effectiveness

## 3.1 Progress in phasing-out SCCPs in accordance with the deadlines

A full implementation of Decision 95/1 by legislation has been enforced in the Netherlands in November 1999. In 2004, the legislation was slightly amended for the implementation of Directive 2002/45/EC while maintaining the full implementation of Decision 95/1.

Norway has enforced a full ban on SCCPs that came into force from 1 January 2005.

In Sweden, a total phase out of the use of short chained chlorinated paraffins in metal working fluids, and an almost total phase out of uses in products, has taken place by voluntary means. The use of chlorinated paraffins regardless of chain-length has also been reduced with about 85% in ten years time.

Spain reports that a substitution of SCCPs has taken place and that production of SCCPs has been phased out.

The UK has a reservation on Decision 95/1 and refers to the results of the assessment in the framework of the EC Existing substances Regulation and subsequent EC measures on risk reduction.

Denmark, Germany and France reported at the last assessment that they awaited EC measures on SCCPs. Germany has implemented the recent EC measures and reports that the implementation of Decision 95/1 is within the competence of the European Union. The production of short chain chlorinated paraffins in Germany terminated by the end of 1995.

Belgium and Finland are also exclusively referring to the implementation of the EC measures.

Switzerland has decided to implement Decision 95/1 by legislation containing a prohibition in accordance with both Directive 2002/45/EC and PARCOM Decision 95/1. The Swiss regulation is entering into force on 1 August 2006.

## 3.2 Study on other uses

On the requirement of PARCOM Decision 95/1 to study all uses of chloroparaffins, which lead to diffuse discharges of these substances to sewer or to surface waters, with a view to reducing such uses and discharges, Directive 2002/45/EC contains a commitment that “all remaining uses of SCCPs will be reviewed by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment (before 1 January 2003)”. This review has so far not been finalised. The assessment depends to some extent on possible risk reduction measures on Medium Chained Chlorinated Paraffins which are currently still under development in the EC framework.

## 3.3 Information exchange on acceptable substitutes

No Contracting Party has reported on alternative substances to SCCPs. Examples of substitutes for uses in different products were reported in the last reporting round in 2001 as follows: antimony trioxide, aluminium hydroxide, synthetic and natural esters, calcium sulfonates, alkyl phosphate esters and sulfonated fatty acid esters.

# 4. Assessment

All reporting Contracting Parties have taken measures to implement PARCOM Decision 95/1. This has mostly been done through legislation implementing Directive 2002/45/EC which partly covers the requirements (uses) of PARCOM Decision 95/1. Some Contracting Parties reported a full ban of all or certain uses of SCCPs and reductions achieved in uses which still continued. SCCPs have been broadly phased-out or banned in most Contracting Parties at least for those uses covered by Directive 2002/45/EC.

A review of all remaining uses of SCCPs (not covered by the Directive 2002/45/EC) will be carried out by the European Commission, in cooperation with the Member States and the OSPAR Commission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment. The future EC risk reduction measures for the use of MCCPs may also be of relevance for the PARCOM Decision 95/1.

Monitoring data on SCCPs will become available from reporting under the Water Framework Directive, which lists SCCPs as priority hazardous substance, and could be used by OSPAR for further surveillance of the implementation of PARCOM Decision 95/1.

In the light of this, Sweden suggests that, for the implementation of PARCOM Decision 95/1, no further reporting by Contracting Parties is necessary and that OSPAR should cooperate with the European Commission to perform the envisaged review of the remaining uses of SCCPs that might give reasons for concern for the marine environment. Any further EC risk reduction measures regarding the use of MCCPs should also be noted by OSPAR.

OSPAR 2006 agreed that further implementation reporting on PARCOM Decision 95/1 could cease for all Contracting Parties.

# Annex 1: Belgium

**Belgian Implementation Report on PARCOM Decision 95/1 on the Phasing Out of**

**Short Chained Chlorinated Paraffins**

Table 1

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | MEANS OF IMPLEMENTATION1,2,3 | | |
| Contracting  Party | Reservation4 | Not applicable5 | By legislation | Administrative  action | Voluntary  agreement |
| Belgium |  |  | X |  |  |

Notes

1. *Give information on specific measures taken to give effect to this Decision.*

The European Directive on SCCP’s (2002/45/EEC) was implemented through Royal Decree of 18-06-2003, which limits the marketing and the use of some hazardous substances and preparations.

Before this Directive was implemented in Belgian legislation, the use and substitution of short chained chlorinated paraffins has been investigated in Flanders. It was found that short chained chlorinated paraffins had already been banned on a voluntary base.

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

*4. Report on any progress towards lifting the reservation on this Decision.*

*5. State why this Decision in not applicable.*

# Annex 2: Finland

**Finnish Implementation Report on PARCOM Decision 95/1 on the Phasing Out of**

**Short Chained Chlorinated Paraffins**

**Table 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | **MEANS OF IMPLEMENTATION1,2,3** | | |
| **Contracting**  **Party** | **Reservation4** | **Not applicable5** | **By legislation** | **Administrative**  **action** | **Voluntary**  **agreement** |
| **Finland** |  |  | **X(act 416/2003 and**  **Dir 2002/45/EY)** |  |  |

*Notes*

*1. Give information on specific measures taken to give effect to this Decision.*

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

*4. Report on any progress towards lifting the reservation on this Decision.*

*5. State why this Decision in not applicable.*

# Annex 3: Germany

**German Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

***1. Reservation on the PARCOM Decision 95/1***

Germany has no reservation on the PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins

***2. Applicability of the PARCOM Decision 95/1***

The PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins is applicable in Germany.

***3. Means of Implementation***

The implementation of PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins is within the competence of the European Union. Implementation by the Common Position (EC) No 29/2001 of 28 June 2001 adopted by the Council (Common Position (EC) No 29/2001 relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins) (2001/C 301/04).

The Commission has adopted a recommendation, in the framework of Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances, calling for specific measures to restrict the use of SCCPs, in particular in metalworking fluids and leather finishing products, in order to protect the aquatic environment.

Consequently, the placing on the market of SCPP’s for use as substances or as costituents of other substances or preparations in concentrations higher than 1 % in metalworking and for fat liquoring of leather was banned by Directive 2002/45/EC of the European Parliament and of the Council of 25 June 2002 amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffis). The Member State are obliged to apply the relevant measures as from 06 January 2004 at the latest.

Directive 2002/45/EC was transposed into German legislation by the Sixth Ordinance Amending Ordinances on Chemicals of 19 May 2003 [[1]](#footnote-1).

***Background information:***

In Germany, the production of short chained chlorinated paraffins was terminated by the end of 1995. By the end of 1998 also the production of other chlorinated paraffins was terminated by Hoechst as the only German producer of chlorinated paraffins at that time. Recently, Leuna Tenside GmbH has started the production of medium and long chained chlorinated paraffins, but not of short chained chlorinated paraffins.

No use of short chained paraffines for one of the common uses in the past or any further uses are known.

For all use categories substitutes are available.

# Annex 4: The Netherlands

**Netherlands Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

**A. Phase out of the use of short chained chlorinated paraffins, in accordance with the deadlines.**

Means of Implementation

The Decision has been fully implemented by legislation in accordance with the applications and the time frames stated in PARCOM Decision 95/1; the legislation entered into force in November 1999. In 2004 the legislation was slightly amended for the implementation of Directive 2002/45/EC of the European Parliament and the Council, while maintaining the full implementation of PARCOM Decision 95/1.

Problems and difficulties encountered in the implementation. Reasons for not having (fully) implemented the Decision and plans for full implementation in the near future.

The European Commission has granted the Netherlands permission to partially maintain a national ban on short-chain chlorinated paraffins (SCCPs), despite last year's agreement of EU internal market legislation allowing certain uses to continue. In a decision under the EU treaty's article 95, the Commission said scientific uncertainty over the risks from SCCPs justified temporary approval of national measures until December 2006. By then extra scientific data should be available to produce a more precise risk assessment, which could lead to further EU-wide restrictions. The Netherlands have lodged an appeal against this decision.

**B. Study all uses of chlorinated paraffins, which lead to diffuse discharges of these substances to sewer or to surface water, with a view to reducing such uses and discharges.**

Means of implementation

No further studies or actions have been executed since the last implementation report in 1996.

Problems and difficulties encountered in the implementation. Reasons for not having (fully) implemented the Decision and plans for full implementation in the near future.

The outcome of investigations on substitution in the EU framework is awaited.[[2]](#footnote-2)

**C. To exchange information on acceptable substitutes for chlorinated paraffins.**

Means of implementation

No further studies or information exchange have been undertaken.

Problems and difficulties encountered in the implementation. Reasons for not having (fully) implemented the Decision and plans for full implementation in the near future.

The outcome of investigations on substitution in the EU framework is awaited.

# Annex 5: Norway

**Norwegian Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

**Table 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | **MEANS OF IMPLEMENTATION1,2,3** | | |
| **Contracting**  **Party** | **Reservation4** | **Not applicable5** | **By legislation** | **Administrative**  **action** | **Voluntary**  **agreement** |
| **Norway** | **No** | **No** | **Yes** | **No** | **No** |

*Notes*

*1. Give information on specific measures taken to give effect to this Decision.*

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

*4. Report on any progress towards lifting the reservation on this Decision.*

*5. State why this Decision in not applicable.*

**Implementation report from Norway on PARCOM Recommendation 95/1 for Short Chained Chlorinated Paraffins**

*1. Give information on specific measures taken to give effect to this Decision.*

Norway has prohibited all production, import, export, sales and use of short chained chlorinated paraffins by a regulation entering into force in 2002 except for use for plasticiser in sealants in dams and in conveyor belts for the exclusive use in underground mining which were banned from 1 January 2005.

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

No special difficulties have been encountered in introducing this regulation.

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

Norway 2005

# Annex 6: Spain

**Spanish Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

**Table 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | **MEANS OF IMPLEMENTATION1,2,3** | | |
| **Contracting**  **Party** | **Reservation4** | **Not applicable5** | **By legislation** | **Administrative**  **action** | **Voluntary**  **agreement** |
| **Spain** | **No** |  | **yes** |  | **yes** |

*Notes*

*1. Give information on specific measures taken to give effect to this Decision.*

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

*4. Report on any progress towards lifting the reservation on this Decision.*

Spain has phased-out the production of C10-13 clhoroalkanes.

The main industrial sectors where SCCP were used, have replaced SCCP by other less hazardous compounds.

Last information indicates that uses of SCCP in Spain have been phased-out.

Directive 2002/45/EC of the European Parliament and of the Council of 25 June 2002 amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins)

**This Directive has been transposed into the Spanish legislation:**

**Orden PRE/730/2003** de 25 de marzo, por la que se modifica el anexo I del Real Decreto 1406/1989, de 10 de noviembre, por el que se imponen limitaciones a la comercialización y al uso de ciertas sustancias y preparados peligrosos (parafinas cloradas de cadena corta y colorantes azoicos(BOE de 2.4.2003).[[3]](#footnote-3)

# Annex 7: Sweden

**Swedish Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

**Table 1**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | **MEANS OF IMPLEMENTATION1,2,3** | | |
| **Contracting**  **Party** | **Reservation4** | **Not applicable5** | **By legislation** | **Administrative**  **action** | **Voluntary**  **agreement** |
| **Sweden** | **no** |  | **yes** | **yes** | **yes** |

*Notes*

*1. Give information on specific measures taken to give effect to this Decision.*

*2. Provide information on any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision.*

*3. The reasons for not having fully implemented this Decision should be spelt out clearly and plans for full implementation should be reported.*

*4. Report on any progress towards lifting the reservation on this Decision.*

In 1991 the Swedish government set the goal that chlorinated paraffins should be phased out by the year 2000. The total use of chlorinated paraffins (all chain-lengths) in Sweden has decreased by 75% between 1990 and 1997. The use of short-chained highly chlorinated paraffins in metal working fluids has been reduced by 90% between 1990 and 1995. The use of chlorinated paraffins in Sweden has been reduced mainly through activities undertaken by producers, importers and users. The Swedish EPA and the National Chemicals Inspectorate have often acted as partners in those activities and in some cases the phase-out was initiated by the authorities. Work continues in the industry and among producers to replace the few remaining uses.

The total use of SCCPs has further decreased with 95% from 1995 to 2003. The total use of chlorinated paraffines was between 250 and 300 tonnes in 2003 of which only 3 % was short-chained. Remaining uses of chlorinated paraffines (C10-17, waxes) are as cooling agents and lubricants (60%), in plastics and rubber manufacture ( 18%), paints and sealants (19%), other uses ( 3%).

On the EU level SCCPs have also recently been regulated through directive 2002/45/EC:

Alkanes, C10-C13, chloro (short-chainchlorinated paraffins)

1. May not be placed on the market for use as substances or as constituents of other substances or preparations in concentrations higher than 1 %:

— in metalworking;

— for fat liquoring of leather.

2. Before 1 January 2003 all remaining uses of SCCPs will be reviewed by the European Commission, in cooperation with the Member States and the OSPARCommission, in the light of any relevant new scientific data on risks posed by SCCPs to health and the environment. The European Parliament will be informed of the outcome of this review.’

# Annex 8: Switzerland

**Swiss Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

A Phase out the use of SCCP in accordance with the deadlines

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  |  | MEANS OF IMPLEMENTATION1,2,3 | | |
| Contracting  Party | Reservation4 | Not applicable5 | By legislation | Administrative  action | Voluntary  agreement |
| Switzerland7 | No |  | yes |  |  |

*Notes*

*A Give information on specific measures taken to give effect to this Decision.*

On August 1st 2005 the new Ordinance on the Reduction of Risks linked to Chemical Products (ORRChem; SR 814.81) entered into force in Switzerland. The new ordinance is part of a project which intended to harmonize the Swiss legislation on chemicals with the relevant EC legislation as well as international agreements and decisions while maintaining or improving the level of protection for the general population, employees and the environment against the harmful effects caused by particularly hazardous substances. The ORRChem updates and replaces the bans and restrictions of the former Ordinance relating to environmentally hazardous Substances (SR 814.013). The main changes refer to brominated flame retardants, short chained chlorinated paraffins, nonylphenol and ethoxylates, heavy metals in electronic equipments and vehicles and to detergents, covered by recent amendments of EC Directive 76/769/ relating to restrictions on the marketing and use of certain dangerous substances and preparations, Directive 2002/95 on the restriction of the use of certain hazardous substances in electrical and electronic equipment, Directive 2000/53 on end-of life vehicles and the EC regulation 648/2004 on detergents.

The intention of the new ORRChim is to phase out all uses of SCCPs covered by PARCOM Decision 95/1 and the Directive 2002/45/CEE, amending the Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations. According to Annex 1.2 ORRChem it shall be prohibited to place on the market the following product types if they contain more than 1% of short-chain chlorinated paraffins by mass:

a. paints and varnishes;

b. sealants;

c. plastics and rubbers;

d. textiles;

e. leather processing products;

f. metal working products.

The regulation for SCCPs is subject to a transition period and will enter into force the 1st August 2006.

*B Study all uses of chlorinated paraffins, which lead to diffuse discharges of these substances to sewer or to surface waters, with a view to reducing such uses and discharges.*

The overall consumption of SCCPs in Switzerland was estimated to be about 70 t in 1994 (only import; SCCPs are not produced in Switzerland). Individual figures for the different use categories were not available. Nevertheless a substance flow analysis for SCCPs has been done, assuming the split between the different areas of use to be the same as in Europe (Kurzkettige chlorierte Paraffine, Stoffflussanalyse, BUWAL Schriftenreihe Nr 354, 2003).

The substance flow analysis examines the turnover of short-chained substances in the whole system Switzerland. It demonstrates that the main inputs of SCCPs into the environment are via goods containing them. When SCCPs are used in oils for metalworking and for lubrication, or in liquids for the treatment of leather, some of the SCCP gets into the wastewater or into lakes and rivers. SCCPs from coatings, sealants and PVC may escape into the atmosphere.

A large proportion of SCCP is destroyed in the process of waste management, especially since these substances decompose at temperatures above 200 °C. Some accumulates in landfill sites. Inputs into the environment from waste management are above all via sewage works, because SCCP-containing sewage sludge is used in agriculture and the purified wastewater, containing residual amounts of SCCPs, is carried to lakes and rivers. (The agricultural use of sewage sludge as a fertilizer, however, will no longer be permitted in Switzerland. The restriction will enter into force 30. September 2006)

SCCPs in the atmosphere probably reach the ground or lakes and rivers within a short time. As a result of their low solubility in water, SCCPs collect in the soil, in sediments and in living organisms. These are highly persistent substances, which remain practically undegraded.

In 2002 a trend analysis of the Swiss market has been made by means of random sampling of different products. The purpose of the Investigations was to establish if SCCPs were still present in several Swiss products. Both public products (paints, inks, lubricants, sealants, etc.) and industrial products (paints, plastics, sealants, cleaning agents, etc.) were analyzed. SCCP were not detected in any of the 170 samples. From this survey, it can be concluded that SCCPs are no more used in Switzerland. They are for the moment replaced by MCCPs or other plasticisers.

A cantonal laboratory has assessed in 2002 the presence of PCB and SCCPs in sealants of old buildings. From this study, it can be concluded that PCBs have been used from 1960 to1975, and that they were substituted by SCCPs which were than used from 1971 till 1990. It seems that after 1990 SCCPs were no longer used in sealants and that MCCPs were introduced in the marked as substitutes.

# Annex 9: United Kingdom

**UK Implementation Report on**

**PARCOM Decision 95/1 on the Phasing Out of Short Chained Chlorinated Paraffins**

|  |  |
| --- | --- |
| **Country:** | UK |

|  |  |
| --- | --- |
| Reservation applies | yes |

|  |  |
| --- | --- |
| **Is measure applicable in your country?** | no |

The UK has a reservation on this measure because it has always maintained that action in the EC rather than OSPAR was the most appropriate way of controlling these chemicals.

However, the UK has taken steps to address the phasing out of the use of these chemicals. It has based its action on the results of the assessment completed in the framework of the EC Existing substances Regulation and subsequent recommendations from the Commission on risk reduction.

Under the Environmental Protection regulations 2003, Great Britain has adopted Statutory Instrument 2003 No 3274 which requires that “no person shall place **short** **chain** **chlorinated** **paraffins** (alkanes, C10-C13, chloro) on the market for use as substances, or as constituents of other substances or preparations in concentrations higher than 1%, either in metalworking or for fat liquoring of leather”. There is an equivalent instrument which has been adopted by Northern Ireland.

|  |  |  |  |
| --- | --- | --- | --- |
| **Means of Implementation:** | by legislation | by administrative action | by negotiated agreement |
|  | yes | yes | yes |

*Please provide information on:*

*a. specific measures taken to give effect to this measure;*

*b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;*

*c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;*

*d. if appropriate, progress towards being able to lift the reservation.*

1. “Sechste Verordnung zur Änderung chemikalienrechlicher Verordnungen vom 19. Mai 2003“ [↑](#footnote-ref-1)
2. The October 2005 issue of the newsletter from the European Chemicals Bureau (ECB) states that the risk assessment which is being performed under the EU Existing substance Regulation has led to the conclusion that stricter controls are needed to reduce environmental risks from SCCPs. [↑](#footnote-ref-2)
3. **Ordén PRE/730/2003** of 25th March, amending the Annex I of the Royal Decree 1406/1989, of 10th of November, relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins and azoic stains) (BOE de 2.4.2003). [↑](#footnote-ref-3)