2.1. Chemicals

2.1.1. General information

a) Policy frameworks

The majority of rules on chemicals, biocides and pesticides are common throughout the EU.

Regarding chemicals in general, the Regulation (EC) N° 1907/2006 establishing the procedures for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as well as the European Agency for Chemicals (ECHA), and is gradually entering into force with uniform application throughout the whole EU.

In addition, provisions for classification and labelling of chemicals are provided by the

Regulation (EC) No. 1272/2008 of 16 December 2008 on the Classification, Labelling and Packaging (CLP) of substances and mixtures. The regulation transfers into the EU legal system, the requirements of the Globally Harmonized System for classification, labelling and packaging of substances and preparations (GHS). Both the new and the previous system will coexist during a transitional period ending in December 2010 for substances and in June 2015 for mixtures.

Regarding pesticides, the new plant protection product Regulation that governs the placing on the market of plant protection products was approved by the European Parliament in January 2009 and will replace the current Directive 91/414/EEC.

The Biocidal products directive 98/8/EC Directive, which came into effect in 2000, is aimed at harmonizing the internal market for biocidal products. Application of the Directive entails requirements for the approval of 23 different product types.

At international level, Belgium is party of Multilateral Environmental Agreements related to Chemicals inter alia the Montreal Protocol on Substances that Deplete the Ozone Layer and all its amendments, The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, The stockholm convention on persistent organic pollutants, The Cartagena Protocol on Biosafety, The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. Belgium also participates in SAICM. Belgium strongly supports a better coordination between the different international activities for sound chemicals management with the aim of improving the more efficient use of financial and human resources.

At national level, in order to define concrete actions involving the various federal and regional entities, the Belgian Federal Minister for Climate and Energy in charge of sustainable development launched in 2008, the “Spring of the environment”. One of the key topics was chemicals, considering mainly the implementation of REACH, the reinforcement of the Belgian helpdesk, the promotion of alternatives to substances of very high concern (SVHC) and the reduction and sustainable use of pesticides and biocides) (http://www.printempsdelenvironnement.be/FR/le_printemps, under the item environnement et santé). Several specific actions on chemicals are also part of Regional environmental policy

plans aioing at te reduction of emissions of several dangerous substances . For instance the Flemish Plan has to be enacted every five years and the next plan will cover the priod 2011-2015

Furthermore, the two priority issues for Belgium, i.e. chemicals in articles and nanomaterials & nanotechnologies are also two out of the four emerging policy issues for which it was unanimously decided to give in-dept consideration at ICCM2 (11-15.05.09) , the second high-level meeting of SAICM. For the first issue, Belgium actively participates in an informal EU network with the aim of improving the conditions for getting information about substances in articles
(https://portal.health.fgov.be/portal/page?_pageid=56,15812534&_dad=portal&_schema=PORTAL). Regarding the second issue, Belgium is taking various national initiatives such as inter alia a national research projects financed by the Federal or Regional authorities, the creation of scientific experts networks and the active participation in the OECD Working Party on Manufactured Nanomaterials.

b) <u>Cooperative frameworks and partnerships</u>

Belgium has a complex structure with a complex entanglement of competences.

Because the activities of many international organizations working on the environment fall under 'shared' competences in Belgium, coordination is necessary in order to speak with one voice in international negotiations. For this purpose, a cooperation agreement concluded on 5.04.95 between the federal government and the regional governments established the Coordination Committee for International Environmental Policy (in short the CCIEP) in order to prepare belgian positions that allow speak with one voice in international negotiations. Coordination of activities concerning chemicals and biocides takes place within the CCIEP chemical steering committee.

Currently, the national actors for REACH implementation work within a specific subgroup of the CCIEP Chemical. Steering Committee Nevertheless considering the case of REACH, the majority of the provisions of REACH are of a mixed competence (meaning federal/regional). For some of these provisions a separate execution by the authorities within the limits of their competences is at least difficult or often insufficient , and therefore a legally based cooperation agreement would be most welcome. The goal of such an agreement is the joint execution of own competences, where provisions of REACH relate to several competences, from which at least one is not with the federal level. The agreement will set up structures to make decisions, to communicate, acquire scientific advice, and establishes a formal framework for cooperation between the inspection services, including a formalised version of the national forum for inspection services that has been established in September 2008 (REACH-Forum National) and where the different inspection services can deliberate informally, aiming at testing exchange of sensitive information, conceiving joint campaigns to improve efficiency of inspection initiatives, preparing common positions with regard to national and international issues.

c) <u>National legal frameworks and administrative measures</u>

FEDERAL LEVEL

Law of 21 December 1998 on product standards

To ensure an effective, proportionate and dissuasive sanction regime on the federal level, the Belgian competent authority has prepared an extensive amendment to its law of 21 December 1998 on product norms. The amendment provides for the possibility to legally enforce the articles in REACH that can be infringed, and provide for a procedural legal framework for administrative fines that is apt to the new requirements that are laid down in REACH. The amendment was adopted by the Parliament in July 2009, but the signature and the official publication is still pending

In addition, several legal actions (Royal Decree and Law modifications) are currently in progress to complete the GHS implementation in Belgium.

Amendments to laws on worker protection

A draft law for the amendment of different pieces of law in the area of worker protection legislation is currently under way. The draft law aligns the workers legislation with REACH, provides for the necessary framework for enforcement, and inserts the sanctions on infringements of the relevant articles of REACH. The amendments mainly concern the Law of 28th January 1999 (concerning guarantees on safety and health of substances and preparations used by workers).

FLEMISH REGION

To implement article 126 of REACH, sanctions and legal instruments for inspection and enforcement are provided for via an implementing Decree of the Flemish Government that makes applicable Title XVI of the Decree (Law) general provisions on environmental policy (Decree of 5 April 1995; Title XVI was introduced on 21 December 2007). This Decree (Law) of 12/12/08 (see article 93 of it) entered into force on the 1st of May 2009. By means of a general reference to Title XVI of Decree of 5 April 1995, the sanctions of article 16.6.1, paragraph 1 of this Decree is applicable on most of the violations of the provisions of the REACH-Regulation. For some infringements the application exclusive administrative fines has been specified. For the implementation of REACH as a whole a partly legal, partly organisational study will be completed this autumn, to make sure that also the legislation at the interface with REACH (e.g. IPPC) and considered by some provisions of REACH can be applied and enforced correctly by the Flemish authorities.

BRUXELLES REGION

To implement article 126 of REACH, sanctions and legal instruments for inspection and enforcement are provided for by amending following existing ordinances :

- The Ordinance of June 5th 1997 regarding environmental permits, for the control of the manufacturing, the use, and the storage of substances or waste-substances, through the permit conditions and through penal sanctions (art. 96, 1°-6°)
- The Ordinance of March 25th 1999 regarding the investigation and suppression of violations, for the administrative fines in the event of violation of the environmental permit art. 33, 5°, d-f-j.).

WALLOON REGION

To implement article 126 of REACH, sanctions and legal instruments for inspection and enforcement are provided for via an implementing following existing ordinances currently being amended:

- The Decree of march, 11th 1999 regarding environmental permit for the control of the manufacturing, the use, and the storage of substances, through the permit conditions.
- The Decree of 5 June 2008 on the research, prosecution and punishment of offences against the environment for the penal sanctions and the administrative fines in the event of violation of the environmental law

2.1.2. Risk Assessment and Risk management

a) Assessment of chemical risks

MECHANISMS FOR SYSTEMATIC EVALUATION, CLASSIFICATION, AND LABELING OF CHEMICALS, INCLUDING INITIATIVES TOWARDS A HARMONIZED SYSTEM OF CLASSIFICATION AND LABELING OF CHEMICALS

With a view to strengthening an active participation at all levels, Belgium takes partin International and European Groups regarding CLP: GHS UN, RAC, CARACAL (Competent Authority meetings for the implementation of REACH,…)

According to REACH, the Committee for Risk Assessment (RAC), plays a vital role in formulating the opinion of the Agency (ECHA) with regards to evaluating proposals for harmonised classification and labelling of a substance as carcinogenic, mutagenic or toxic for reproduction, as a respiratory sensitiser, or for other effects on a case-by-case basis. A Belgian member has been appointed in this committee to actively participate in the opinion formulating, a.o. by being a rapporteur for some of the dossiers to be discussed.

INITIATIVES FOR ASSESSMENT OF TOXIC CHEMICALS, HAZARD AND RISK ASSESSMENT, AND PARTICIPATION IN VARIOUS INTERNATIONAL AND REGIONAL INITIATIVES

One of the primary tasks of the Member State Committee (MSC) of ECHA according to Regulation (EC) 1907/2006 is to seek agreement on the identification of substances to be included on the candidate list for eventual inclusion in Annex XIV (list of substances subject to authorization, e.i Substance of Very High Concern) (Art. 59(7-8)).

The responsibilities of the MSC include providing an opinion for establishing the Community rolling action plan (CRAP) for substances which could constitute a risk to human health or the environment (Art. 44(2) and thus must be evaluated, provide an opinion whether or not to add substances to the CRAP following proposals from any Member State (Art. 45(5)) and providing an opinion for recommending priority substances to be included in Annex XIV.

The first CRAP will be adopted in 2011. The MSC will be consulted to agree on the identification of SVHC in the second half of 2009 after which these substances can be included in the updated 'candidate list'.

According to REACH, the Risk Assessment Committee (RAC) of ECHA plays a vital role in formulating the opinion of ECHA with regards to the assessment of the risk from a use of a substance to human health and/or the environment arising from those uses for which authorization is being sought. This includes an assessment of the risk management measures. The first authorization applications to be treated by this committee are expected to arrive early 2012.

A Belgian member has been appointed in both committees (RAC and MSC).

Furthermore, Belgium participates in several initiatives of OECD.

Biocidal products of the majority of the 23 product types foreseen by the Biocidal products directive 98/8/EC have to be authorised before they are allowed on the Belgian market Until the inclusion of their active(s) substance(s) in annexe I their physico-chemical properties, their hazards and their risk for man and environment are considered by the Committee for advice concerning biocidal products (CAB, a committee to which belong experts of the directorate – general Environment, members of the scientific institutes of the SPF Health, Food Chain safety and Environment, experts designated by the Governments of the regions and external experts). After the acceptance of the application for authorisation as complete and prior to submission to the CAB, the toxicological and ecotoxicological evaluation is performed by the experts belonging to the Division Risk Management of the Directorate General Environment. If the CAB comes to a negative conclusion the authorisation for the biocidal product is rejected and the applicant can introduce an appeal to the Council of Hygiene. If the CAB comes to a positive advice, the Minister of the Environment, or his authorised representative, issues an authorisation certificate. Biocidal products belonging to product type 1 – i.e. used for human hygiene, the mosquito repellents for use on human skin and some other minor groups- containing existing active substance of the aforementioned directive, are exempted from the authorisation requirement until the decision to include their actives substances in annex I.

Regarding indicators, Belgium has developed a multi-compartmental risk indicator system for pesticides, which is basically based on an exposure/toxicity ratio for each of the seven compartments that are assessed. Those compartments concern both environment and human health. The Belgian overview on pesticides is completed by other indicators: sales quantity, poisoning incidents frequency, application frequency.

An indicator, also based on the Exposure/Toxicity ratio, is used to asses the risk for aquatic organisms in one of the Belgian regions.

For biocides, the same panel of indicators is in development.

The research project "INRAM - Integrated risk assessment and monitoring of micropollutants in the Belgian coastal zone" financed within the framework of the Science for sustainable development programme by the Belgian Science Policy aims to:

- study the transfer and environmental concentrations of established priority compounds (cf. OSPAR, WFD and the UNECE lists) and emerging pollutants (e.g. pharmaceuticals) transfer via the three Belgian coastal harbours and the Scheldt, to coastal waters
- apply an unique combination of novel field and laboratory ecotoxicological and chemical techniques to establish both effects and food chain transfer of these chemicals
- for the first time, establish the relationship between local occurrence of hazardous compounds, ecosystem health and potential human health effects, through the use of consumer organisms as test/monitoring species (e.g. commercial fish, crustacean and mollusc species), and
- Develop and evaluate a framework and toolbox for monitoring the chemical anthropogenic pressures on coastal ecosystems and commercial marine products.

STRATEGIES FOR EXPOSURE ASSESSMENT AND ENVIRONMENTAL MONITORING AND IMPROVEMENT IN PROCEDURES FOR USING TOXICOLOGICAL AND EPIDEMIOLOGICAL DATA TO PREDICT AND ESTIMATE THE EFFECTS OF CHEMICALS ON HUMAN HEALTH AND THE ENVIRONMENT

STRATEGIES FOR EXPOSURE ASSESSMENT

FEDERAL LEVEL

Belgium takes part in the Partner Expert Groups (PEG) whose focus is on the development of reliable methods for exposure assessment. These PEGs cover several aspects (both human and environmental, use of the most appropriate format and discussion on calculation methodologies) of exposure assessment of chemicals and are organized by the ECHA division in charge of the development of Technical Guidance Documents.

For the implementation of the biocidal products directive Directive 98/8/EC, Belgium contributes to the European review program in the evaluation of 10 active substances. Belgium is member of the HEEG (Human Expert Exposure Group) for discussion on methodology and needs for update of guidance documents based on issues raised during European Technical Meetings.

This program is based *inter alia* on a Technical Note for Guidance on human exposure which was endorsed at the 25th meeting of representatives of Member States Competent Authority (June 2007). This Technical Note for Guidance is linked to other guidance as the Technical Guidance Documents (TGD) on risk assessment for new and existing substances, which cover all chemicals taking into account OECD work on ESD (environment exposure document) as well

STRATEGIES FOR ENVIRONMENTAL MONITORING

FEDERAL LEVEL

In 2006-2007, Belgium took part at the fourth round of the World Health Organization POPs in human milk study. The project was conducted under the authority and at the expense of the Joint Interministerial Conference on Environment and Health between federal and federalized authorities. The main conclusions were the following: Old organochlorine pesticides are generally no longer found in human milk, with the exception of DDT, HCB and exceptionally HCH. The dioxin levels have clearly dropped again as well as the marker PCBs. The trend with regard to dioxin-like PCBs is less clear. As to the brominated flame retardants PBDEs, we neither see a decline, nor an increase. Some substances have been found in human milk for the first time during official measurements in Belgium such as the aromatic substances musk xylene and musk ketone as well as perfluor compounds. The full report is available on http://www.nehap.be.

REGIONAL LEVEL

Translation of human biomonitoring results into policy measures in Flanders.

Flanders initiated in 2002 a five-year human biomonitoring programme covering around one-fifth of both its territory and population. The programme collects a variety of biomarkers of exposure (including e.g. DDE, heavy metals, dioxins, exposure to PAHs and benzene) and effect (including e.g. DNA damage, asthma en allergy,…) in eight areas and for three age groups (newborn babies, adolescents, elderly). The study showed differences in biomarker values of exposure and effect for the different areas and found measurable biological effects at exposure levels well below current standards.

A phased action-plan was developed to translate the results into a policy response. It implies 3 phases in which (1) the seriousness of biomarker anomalies is evaluated and priorities are set; (2) the sources of pollution that are causing the anomalies are traced; and (3) concrete policy measurements are proposed when appropriate. These phases are run through with an expert panel and a jury including local stakeholders and authorities.

Currently the action-plan is being carried for two different cases: increased levels of persistent organic pollutants in the rural areas in Flanders and the increased asthma and allergy incidences in Flemish city areas. More information on www.lne.be/en/environment-and-health/actions-by-the-flemish-government/phased-action-plan.

Monitoring of surface water and ground water is addressed in the Water Framework Directive (2000/60/EC). In implementation of this Directive the Flemish Region set up a monitoring programme, also including a monitoring strategy for chemical substances.

In case of complex effluents, the Direct Toxicity Assessment (DTA) approach can be used in combination with chemical monitoring. The DTA approach uses bioassays with different test species to assess the impact of industrial effluents. Chemical analysis identifies only the main chemical pollutants available, while bioassays also address pollutant bioavailability and synergistic/ antagonistic effects between different pollutants.

The deposition of dioxins and dioxin-like PCBs is monitored on a regular basis in the Flemish region. The measured levels are estimated to threshold values which are calculated on the basis of the TWI for dioxins and DL-PCBs proposed by the EU-SCF.

Monitoring of air quality is treated in the directive on ambient air quality and cleaner air for Europe (2008/50/EC). In implementation of this directive the Flemish Region set up a monitoring network for heavy metals (Hg, Cd, As) and performs organic measurements of PAH.

In the three Belgian regions, atmospheric pollution is continuously monitored and measured following our obligations in the European directives on ambiant air. Information is given to population by different means, for ex. via website, telephonic messages, information boards.

IMPROVEMENT IN PROCEDURES FOR USING TOXICOLOGICAL AND EPIDEMIOLOGICAL DATA

REACH provides for strong incentives to make maximal use of existing data, in vitro testing and QSAR and read-across/grouping approaches. The guidance that has been developed for this purpose outlines an integrated testing strategy for every endpoint. See http://echa.europa.eu/

b) Sound management of toxic chemicals

PROGRESS WITHIN THE LARGER FRAMEWORK OF STRATEGIC APPROACH TO INTERNATIONAL CHEMICALS MANAGEMENT (SAICM)

MECHANISMS IN PLACE FOR DETERMINING THE CHEMICALS USED E.G - EFFORTS TO ESTABLISH NATIONAL INVENTORIES AND IMPROVE CUSTOMS INFORMATION SYSTEMS

REACH was established to ensure a high level of protection of human health and the environment. Its registration process will propose a view of the chemicals manufactured and used in Europe. The Belgian competent authority (qu'est ce que c'est?)should then also have a clear overview of the substances used and put on the national market.

MECHANISMS IN PLACE FOR SETTING PRIORITIES FOR RISK REDUCTION

The REACH authorisation process allows MS to identify substances of very high concern. The inclusion of those substances as candidates for authorisation initiates stringent obligation for industries using them. The process could conclude to an obligation of authorisation for the use and/or the production of these chemicals.

In the perspective of this process, BE MSCA is currently elaborating its priorities for the next years.

The priority setting is for an important part influenced by European and international obligations that our country has to implement. But also the experiences of permitting and enforcement authorities and the monitoring of the environmental quality and the bio-monitoring is taken into account. The Flemish REACH study mentioned in I. C should also result in recommendations to ensure that all relevant information is available and combined to set the proper priorities, and take the necessary actions.

implementing agreed chemicals management tools e.g

- *the FAO's Code of Conduct on the Distribution and Use of Pesticides*
  Belgium, like every Member State of the European Union is subject to the European

legislation concerning Distribution and Use of Pesticides, which covers largely the provisions of the Code of Conduct.

- *guidance for establishing pollutant release and transfer registries*
  Through each of the three Regions, Belgium has now implemented PRTR systems in compliance with the EU's EPRTR Regulation and the UNECE PRTR Protocol to the Aarhus Convention.

- *other for pollution prevention.*

  Integrated permits implementing the principles of EU's IPPC (integrated pollution prevention and control) Directive are delivered in the three Regions for industrial installations having the most significant potential impacts for the environment. This means that all IPCC installations must be permitted according to emission levels associated with the best available techniques (BAT).

adequate hazardous waste management arrangements (e.g inventories of waste, permit systems)

In order to accomplish a maximum level of recovery and recycling of hazardous wastes and to stimulate their transformation into useful materials, there is an incineration and land filling ban for selectively collected wastes that can be recycled.

Systems exist in the three Belgian regions to allow for the use of industrial waste as a secondary raw material on the condition that certain technical and environmental criteria set out in the law are met.

The disposal of waste that cannot be prevented or recycled is organised in such a way as to have as little impact as possible on the environment.

Belgian waste treatment facilities have in application of abundant EU legislation, to comply with stringent norms relating to hygiene, risk management, environmental protection and public health. The legislation on environmental licences in the three Belgian regions transposes the EU IPPC-Directive. This permit is issued only if certain environmental conditions – concerning the protection of air, water and soil, the application of Best Available Techniques (BAT), waste minimisation, efficient energy use, site clear-up etc. – are met.

In Belgium, all waste-related activities are known and documented. The legislation obliges each producer of wastes to maintain a 'waste register', in which information can be found on the source of the waste, the composition, the quantity, the treatment process, and so on.

websites where national partners can gain access to information about the sound management of chemicals (including websites providing risk management information and details of relevant legislation).

FEDERAL LEVEL:

The portal site of the federal public service Health, Food Chain Safety and Environment www.health.fgov.be contains information about chemicals substances (under the section 'environment'), namely on the following topics:

- **REACH**: information for the industry and the general public. A new portal site is planned (2010-2011); this site will serve as a clearing house or platform for Belgian REACH-partners and will partly be addressed to the general public. Furthermore following its duties under REACH, BE investigates the best technical options to build a website dedicated to the risk communication of chemicals. (art 123 of the REACH Regulation)

- **Asbestos**: information for the general public about the risks associated with exposure to asbestos. Information brochures can be downloaded.

- **Biocides** (direct link: www.biocide.be): information for the general public (definition, dangers of the use of biocides) and industry (legislation, electronic authorisation procedure). The website contains a database of biocides that are authorised for marketing in Belgium.

- **PRPB** (direct link: www.prpb.be): information for the general public, professional users en NGO's about the actions done to reduce the risk related to the use of pesticides. Information brochures can be downloaded.

  The specific website www.fytoweb.be contains information about plant protection products for users and for the industry and a database of plant protection products authorised for marketing in Belgium.

- **Fertilizers**: information for the general public and the industry (definition and legislation).

- **Persistent Organic Pollutants** (POP) and the **PIC** procedure: general information.

- **Cosmetics** (under the section 'my health'): information for consumers (definition, composition, labelling), for the industry (legislation, notification obligation) and health professionals (what to do if they notice a health problem with a cosmetic).

Furthermore a nanomaterials website is currently under construction and an information brochure making practical recommendations regarding the use of CFLs (Compact Fluorescent Lamp) will be available via the website in the coming month.

In the first six months of 2009, the section 'chemical substances' of www.health.fgov.be (which regroups the topics mentioned above) counted 8.800 visitors.

The Federal Public Service of Economy provides general information about REACH and its implementation on its website. Information is updated regularly with practical information like seminars and other events or any new development. Individual companies can send there further questions by e-mail or call the free phone of the helpdesk."

In the framework of his research programme “workers protection in the area of health” (1998-2000), the Belgian Science Policy (PPS Science Policy) has supported a project to develop an users friendly information system for the evaluation of health risks associated with occupational exposure to mutagens/carcinogens (CRIOS). The project has consisted of providing scientific information for adequate cancer prevention in occupational settings with 4 specific objectives:

1. To conduct a comparative review of the national and international laws for the chemical and physical mutagens/carcinogens present at the workplace in Belgium.

2. To analyse and provide a review of selected papers on biomarkers of effects.

3. To discuss methods for risk calculation.

4. To offer a practical guide for sample collection to perform the analysis of biomarkers.

Since 2001, the website is updated with other financial supports (see http://cdfc00.rug.ac.be/healthrisk/default.htm)

The research project "INRAM - Integrated risk assessment and monitoring of micropollutants in the Belgian coastal zone" (see item II.A.2) http://www.vliz.be/projects/inram/

Within the framework of the SPSD II the project “Development of an integrated database for the management of accidental spills (DIMAS)” was financed which aimed to develop a user-friendly and easily accessible database with information (fate, hazards and risk management procedures to be taken for the spilled product) for the experts involved as well as for non-experts to help the choice of effective measures to abate the pollution in case of an accidental.

http://www.vliz.be/Projects/dimas/En/index.php

REGIONAL LEVEL

The Flemish region has developed a web application that is meant to help local authorities green their procurement, www.producttest.be. It allows local authorities to assess how ‘green’ the office supplies, cleaning products and electric and electronic appliances they purchase are. Partly this already includes chemical products but paints and varnishes will also be added to this product-test in the near future.

To reduce the use of pesticides there is a campaign “zonder is gezonder”, to call on citizens and local authorities to choose environment-friendly alternatives. This campaign is supported by the website www.zonderisgezonder.be .

INITIATIVES AND INNOVATIONS FOR RISK REDUCTION, PARTICULARLY TAKING IN TO ACCOUNT THE LIFE CYCLE OF THE CHEMICALS

In 2006, the Belgian Science Policy (PPS Science Policy) has launched the second phase of the TAP (Technology Attraction Poles) programme entitled “Programme to stimulate knowledge transfer in areas of strategic importance”. It covers 5 research areas among which “clean technologies” and “new materials” (with a cooperation agreement between the Federal Authority and the Regions). The research proposals must be justified by socio-economic and environmental grounds for the purpose of predicting outcomes and impacts on innovation, the

environment and socio-economic aspects. For the “new materials” area, the importance of an integrated and multidisciplinary approach taking proper account of impacts (on health, safety and the environment) throughout the life cycle was stressed. The funded research projects will end at the beginning of 2010.

The Flemish government has set up an Environmental and Energy Technology Innovation Platform (MIP), with innovation as an important driving force for the economic development and employment. The MIP has become the means by which the Government intends to strengthen the competitiveness and appeal of Flemish environmental and energy technology.

Within the MIP, special attention and financial support goes to projects concerning closed loop techniques for toxic chemicals and efficient use of raw materials.

POLICY MEASURES TO PHASE OUT CHEMICALS THAT POSE UNREASONABLE AND UNMANAGEABLE RISK TO HUMAN HEALTH AND HUMAN ENVIRONMENT, SUCH AS, FOR EXAMPLE, OZONE-DEPLETING SUBSTANCES (DATA INCLUDING RATIFICATION OF MULTILATERAL ENVIRONMENT AGREEMENTS, IMPLEMENTATION OF SPECIFIED INTERNATIONAL AGREEMENTS AND OTHER SPECIFIED INTERNATIONAL INSTRUMENTS)

The Belgian competent authority has recently evaluated 15 substances for their potential risks for man and the environment. The study consists of two parts. The first part of the study aimed at evaluating the seriousness of the risks of each substance in order to prioritize them. This part of the study has been finalized.

The second part of the study comprises the draw up of reports for some of these substances in accordance with the REACH procedures.

Depending on the final outcome of the study, the BE competent authority will decide how to proceed, possibly by submitting an Annex XV dossier for identification of a substance of very high concern to the Agency for inclusion in annex XIV (list of substances subject to authorization).

The POP issue is of both federal and regional concern. A national implementation plan (NIP) as required by the global POPs convention, has been made jointly by the concerned authorities. It describes the current situation in Belgium and measures to improve it. The main action regarding federal level relates to the respect of the different legislations, the prevention of any import or export of POPs and the controls related to the presence of contaminants in the food chain.

Belgium ratified the Montreal Protocol and all its amendments. The EU has also a Regulation that goes beyond those international commitments It complies with all obligations. Moreover BE imposes some stronger measures such a as recapture of OSD in certain conditions. The Regions are also complying to those ozone related regulation by reporting, certifying and ensuring proper recovery and treatment of OSD.

REGIONAL LEVEL

Implementation of all concerned European directives and Regulations (VOC Directive 1999/13, Regulation 842/2006 on certain fluorinated greenhouse gases, the Water FrameworkDirective

and its daughter Directive 2008/105/EC ..), and ratification of all concerned multilateral environment agreements.

As stipulated in the Belgian plans for the elimination of devices containing PCBs, owners of devices containing PCBs are obliged to declare their devices. Most of the declared devices containing PCBs already have been eliminated. It is mainly in the energy distribution sector that PCB containing devices are still used. These must be taken out of service by the end of 2010.

POLICIES AIMED AT REDUCING THE RISKS POSED BY LEAD, MERCURY AND CADMIUM AND OTHER HARMFUL HEAVY METALS, INCLUDING THROUGH A REVIEW OF RELEVANT STUDIES, SUCH AS, FOR EXAMPLE, THE UNITED NATIONS ENVIRONMENT PROGRAMME GLOBAL ASSESSMENT OF MERCURY AND ITS COMPOUNDS

Belgium actively participates to the European working groups for the preparation of the UNEP negotiation for the global assessment of mercury and its compounds. This work includes the review of studies for the whole cycle life of mercury. The objective is to define the priorities for legally binding actions to implement at a world-wide level.

In addition, a number of legal instruments have recently been developed at the EU level to ban the exports of mercury and for save storage and disposal (will be transposed to BE legislation by end of year) and to define the limitation of use in the medical and measuring devices (currently under review).

BE was rapporteur for Cadmium and Cadmium Oxide under the Regulation 793/93/CEE . The Conclusions of the reports were published in the European Official Journal *JO L 156 – 14.6.2008 & JO C 149 - 14.6.2008).*

REGIONAL LEVEL

The prevention of new soil contamination and the remediation of historical contamination are the main objectives of the Flemish Decree for soil remediation and soil protection.

There is an obligation to investigate the soil quality at defined moments (property transfer, closure of certain installations …). If the exploratory investigations indicate the presence of contaminating (chemical) substances, the contamination will be characterised in detail and the risk for humans and ecosystems will be defined.

The remediation of new pollution (later than 1995) is required as soon as predetermined soil remediation values are exceeded. With respect to historical contamination (before 1995), the decision to remediate will depend on the actual danger to public health and the environment.

Legally a remediation obligation rests on the operator or the owner of the land where the pollution entered the soil. The Public Flemish Waste Agency (OVAM) supervises the remediation operations.

The Bruxelles and Walloon regions have also recent legislation on this issue.

INITIATIVES TO REDUCE OVERDEPENDENCE ON THE USE OF AGRICULTURAL CHEMICALS

Since 2005, Belgium has started a program of reduction of the risk and use of plant protection products and biocides. A certification system of the knowledge of professional users1,, distributors and advisors of all plant protection products for professional use is currently in development (this will replace the current Belgian certification system concerning only the most risked pesticide uses). These certificates shall provide evidence of sufficient knowledge about, among others, Integrated Pest Management. Plant protection products for Organic Farming are specifically supported in order to encourage the development of alternatives to agricultural chemicals. The use by the general public of non-chemical alternatives is raised by awareness campaigns. At a regional level and for specific situations, low pesticide input pest management practices are encouraged and supported by primes. The use of pesticides by authorities is reduced or banned by specific regional regulations.

[1] "professional user" means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors