



Commission to face EU Court over authorisation of lead chromate in paint

The European Commission is facing a second court challenge for allowing a Canadian company to sell two dangerous chemicals used for road markings and painting industrial machines in the EU.

Environmental lawyers ClientEarth, the European Environmental Bureau (EEB), the International Chemical Secretariat (ChemSec) and International POPs Elimination Network (IPEN) are taking the European Commission to court after it refused to withdraw an EU-wide permit allowing the use of lead chromate pigments.

Lead exposure can damage children's brain development and harm the nervous system while chromium can cause lung tumours in people and animals. That is why lead chromate cannot be used in the EU any more unless a company obtains an authorisation. Authorisation can only be granted if the company shows that the risk is adequately controlled or that no safer alternatives are available. In this case, none of these conditions were met.

To date, the European Chemical Agency has received [380 notifications](#) of companies declaring the use of lead chromate pigments in the EU since this authorisation. This is hindering the use of safer alternatives EU companies have invested in. [Many companies](#) have also already declared their intention to export these hazardous products to poorly regulated markets outside the EU.

In October 2016, ClientEarth, EEB, ChemSec and IPEN requested the Commission reconsider this authorisation. In May this year, the Commission rejected this request so the coalition is now bringing the case before the EU court.

The campaigners said: "The Commission's insistence on keeping this chemical authorisation while recognising its flaws shows a complete lack of respect for EU regulation, as well as a complete disregard for [the EU's international commitment](#) to eliminate lead in paint."

"The Commission had clear evidence showing the availability of alternatives but granted the authorisation anyway. We are asking the Court to put the authorisation process back on track."

Lead chromate pigments for road markings have not been used by many EU countries for years. Alternatives do exist and other major companies are using them. Businesses investing in safer products should not be undercut by those that do not.

The Commission recognised that Dominion Colour Corporation failed to show that - for all the uses covered in the authorisation - lead chromate could not be replaced by safer

alternatives. Despite this, the Commission chose to favour this backward-looking company over innovative companies that have invested in safer alternatives.

This is unacceptable and sets a reckless precedent for the future of the authorisation process under EU chemicals legislation.

In November last year, Sweden took the Commission to the EU Court over the same permit, after ClientEarth, EEB, ChemSec and IPEN submitted their request for review to the Commission. Lead chromate pigments have not been used in Sweden for 30 years. Roads and professional vehicles are still painted with sufficiently bright colours in this Nordic country.

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