

ECHA PROPOSES RESTRICTION ON CREOSOTE AND CREOSOTE RELATED SUBSTANCES¹

Summary

The restriction proposal aims at reducing health (especially for the general public) and environmental risks associated with the reuse and secondary uses of wood treated with creosote and creosote-related substances by amending entry 31 of Annex XVII of the REACH regulation. As defined by the Dossier Submitter, reuse means the use for the same purpose as the original use (e.g. railway sleepers reused as railway sleepers), secondary use means the use for other purposes than the original use (e.g. railway sleepers used for agricultural fencing, residential landscaping, etc.).

The restriction proposal is supposed to work in synergy with the renewal of approval of creosote as an active biocidal substance granted and published by EU Commission on 14 October 2022 for a maximum of seven years with several specific conditions. This approval applies from 30 April 2023 and specifies that the only creosote-based biocidal products that may be authorised and placed on the market are those for vacuum pressure impregnation of railway sleepers and utility poles for electricity and telecommunications.

The consultation on this proposed restriction will start on **21/12/2022** and ends on **22/06/2023**.

When responding to the consultation, stakeholders should ensure that they are referring to the most recent version of the Annex XV report and any annexes (i.e. those published alongside the consultation).

Respondents are also encouraged to take into account when certain aspects of the proposal are planned to be discussed in the committee's plenary meetings (see table below) and time their submissions accordingly (multiple submissions are possible throughout the consultation).

	Committee	
Plenary meeting of the Committee (timing)	Risk Assessment Committee (RAC)	Socio-Economic Assessment Committee (SEAC)
1 (2.5 months after the consultation starts)	Verify the proposed scope. Conclude on hazard and hold preliminary discussion on exposure/risk.	Verify the proposed scope. Conclude on costs of the proposed restriction and hold preliminary discussions on its benefits.
2 (5.5 months after the consultation starts)	Conclude on exposure/risk and hold preliminary discussion derogations.	Conclude on benefits and hold preliminary discussions on proportionality and derogations.
3 (8.5 months)	Finalise the-derogations.	Conclude on proportionality and

¹ The information note has been prepared based on the Annex XV report prepared by the French Agency for food, occupational and environmental health and safety (ANSES).

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after the consultation starts)	Finalise the opinion plus justification text and adopt the final opinion.	derogations. Finalise the opinion plus justification text and agree the draft opinion.
4	Not relevant.	Conclude on issues raised during the SEAC draft opinion consultation. Adopt the final opinion.

Information on the hazards of the substances and the costs of the proposal would make the most impact if submitted by month two and exposure/risk, benefits and derogations by month four of the consultation. This early submission would also allow the information to be considered at the appropriate time.

It is possible to submit more than one consultation response during the six month period so please take this into account when deciding when to submit information.

How to submit a comment in the consultation on the proposed restriction

Firstly please read the consultation guidance that describes the relevant information that should be submitted. It is available here:
https://echa.europa.eu/documents/10162/13641/public_consultation_guidance_en.pdf/7c4705d5-ad01-43ed-a611-06f1426a595c.

When you are ready to make your comments, click on the appropriate link on the ECHA website. Please be aware that it is not possible to save your submission and come back to it, so you should already have your comments prepared in an attachment or saved in some other format in advance.

The web form contains five main parts:

- Introduction: containing some general information on the restriction and a link to this note and the consultation guidance.
- Section 1: Personal information
- Section 2: Organisational information
- Section 3: Non-confidential comments on the proposal - both general comments and information on specific issues (see below). Your responses can be entered directly into the form or through section 4 as an attachment. However, please do not submit the same comments via both means. General comments can be on any aspect of the Annex XV restriction proposal, including on issues related to socio-economic analysis.
- Section 4: Non-confidential attachments can be added here.
- Section 5: Confidential attachments can be added here. Confidential information will only be available to the ECHA Secretariat, the Committees and Member State Competent Authorities. However, if ECHA receives an Access to Documents request, we may come back to you for justifications why the information is confidential. You can also add this information already in the relevant part of the webform.

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Once you have finished your submission, press the submit button and your comments will be submitted. You will receive a submission number via e-mail and you should refer to this in any communication with ECHA on this issue.

It is not possible for you to retrieve your submission so you may want to take a screen shot, or printed copy for your future reference.

Specific information requests

In addition to the general comments, outlined above, the consultation includes several specific questions to gather information that is considered to be particularly relevant to the evaluation of the proposal, as follows:

1. Which substances among the nine listed in Entry 31 of REACH Annex XVII have been used in the EU to treat wood in the last decades (<https://echa.europa.eu/documents/10162/a27e80a3-3798-3c76-01a0-32357cc09f6f>)? In which country? Please provide all available information, including examples of uses, and indicate when the use has taken place.
2. Creosote-treated wood (railway sleepers and transmission poles for telecommunication/electricity) can be reused for the same purpose as the original use (e.g. sleepers can be reused as sleepers). Are you aware of reuse of creosote-treated wood in your country or in other countries? Please also include information on the volume of reuse in specific countries and its expected future development.
3. Secondary use of creosote-treated wood can also take place in some countries (e.g. railway sleepers used for other purposes, such as agricultural fencing or residential landscaping). Is creosote-treated wood currently available in your country for secondary uses by consumers and/or professionals? Please provide examples of known secondary uses in your country. Where possible, please include any available information on their volume and indicate if information about the year/date the wood had been treated with creosote is usually available at the point of sale.
4. What is the volume of imports, in your country, of creosote treated wood (as railway sleepers and transmission poles) from other EU and non-EU countries? What is the volume of exports to other EU and non-EU countries? If possible, indicate how those volumes are expected to develop in the future.
5. Is imported creosote-treated wood being classified as hazardous waste in your country?
6. Please provide qualitative or quantitative information about the expected socio-economic impacts of the restriction proposal for the private/touristic railway networks, NRIMs (National Railway Infrastructure Managers) and other actors in the EU or at national level. This could include information on, for example: 1) installation and maintenance costs of different types of railway sleepers, 2) additional costs besides installation and maintenance costs, 3) indirect impacts from substitution and resulting extra costs (e.g. freight traffic ending on some sidings), 4) affordability and economic feasibility of substituting reused creosote-treated wooden sleepers with alternatives.

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7. Chemical alternatives to creosote as well as alternative materials such as concrete, steel or plastic have been identified by the Biocidal Product Committee, (BPC) as potential alternatives to creosote-treated railway sleepers and transmission poles (<https://echa.europa.eu/documents/10162/fc41edcf-3732-2ba9-6a14-0fb9b423fd6c>). However, BPC also concluded that additional time is needed to enable the necessary progress on the availability and technical applicability of these alternatives. Please provide any additional information on the availability and costs of alternatives to a) reuse of creosote-treated railway sleepers and transmission poles, and b) secondary use of creosote-treated railway sleepers and transmission poles.

The final opinions of both Committees are scheduled to be available by December 2023. ECHA will send the joint opinion of the Committees to the European Commission that will take the decision on whether to include the proposed restriction in Annex XVII to the REACH Regulation.

The Dossier Submitter and the Rapporteurs will assess the issues raised in the consultation and their assessments will be published at the time of the launch of the consultation on the SEAC draft opinion in month nine of the process.