

Lead in paints: the challenge continues

The EEB and its partner organisations are continuing the fight against the use of two chemicals of high concern in paints.

The [legal challenge](#) brought in 2017 by the European Environmental Bureau (EEB), ClientEarth, the International Chemical Secretariat (ChemSec) and International POPs Elimination Network (IPEN) is still ongoing. The case challenges a decision of the European Commission allowing the use of two highly hazardous pigments in road markings and painting industrial machines.

On Thursday 10 January, the four NGOs, supported by the Kingdom of Sweden, defended their case during the public oral hearing before the Tribunal of the EU.

It all started in 2016, when the four NGOs [requested](#) the European Commission to reconsider an authorisation allowing a Canadian company to sell two pigments containing highly hazardous chemicals, lead sulfochromate yellow and lead chromate molybdate sulphate red, despite the European paints producers claim they have phased out leaded paints several years ago. This procedure is legally referred to as a “[request for internal review](#)”.

The European Commission refused to review the authorisation after the NGOs made a request for internal review, forcing the coalition to bring the case before the EU courts. In the meantime, the Kingdom of Sweden also [challenged](#) the legality of this authorisation.

There are many facets to the motivations behind why the coalition is pursuing the case.

Firstly, it is first about the right of organisations such as ours, working to protect the environment, to access the courts to question decisions taken by EU institutions. One important aspect is whether the Tribunal of the EU will take into consideration the [Aarhus compliance committee recent findings](#) concluding that the EU is in breach of the UN Aarhus Convention on access to justice.

This case is also about innovation and how EU laws – more precisely the REACH Regulation – if properly put in practice, is meant to encourage companies to invest in safer alternative solutions. This regulation is supposed to create a level playing field for companies who have decided to divest away from dangerous chemicals, not to reward the laggards.

Finally, this case is about competitiveness of EU industries and how a Canadian company obtained the right to disrupt the market with cheap and hazardous products while the others, wisely, had switched away from them, years ago.

This matter is now in the hands of the Tribunal of the EU. Should the case be dismissed, the EEB and its partners will consider exercising their right to appeal.