**General comments and answers to specific information requests**

**Specific information requests:**

1. In line with the restriction proposal made by the Dossier Submitter, SEAC supports the ban on all secondary uses of creosote-treated wood by both professional users and the general public. This means that second-hand railway sleepers and utility poles cannot be used anymore, for example, for agricultural purposes or for embankments. Do you agree with SEAC’s assessment of the positive and negative economic, environmental and human health impacts? Please explain the reasons and justifications for your answer.
2. In contrast to the Dossier Submitter’s proposal, SEAC supports to allow reuse of railway sleepers and utility poles not only by the original (first) user, but also by other professional users. Do you agree with SEAC’s assessment of the positive and negative economic, environmental and human health impacts? Please explain the reasons and justifications for your answer.
3. SEAC supports that other professional users are permitted to reuse railway sleepers and utility poles under the following specific conditions:
   1. Only in the same Member State where the original use took place,
   2. Only under similar conditions for the placing on the market of treated articles as defined in the context of the BPR,
   3. Only under similar risk management measures (also called risk mitigation measures) as defined in the context of the BPR,
   4. Only as long as the first placing on the market and use is allowed in the context of the BPR, and
   5. Only if the placing on the market and purchase can be sufficiently controlled and limited to verified professional users only.

What is your view on the usefulness **of each** of these conditions? Please explain the reasons and justifications for your answer.

1. Do you think that sales on the second-hand business-to-business market can be limited to professional users only, thus effectively preventing exposure to the general public? If so, can you indicate how this can be accomplished? If not, can you please indicate why not?
2. Do you expect large changes in the supply of new wood treated with creosote or of other alternatives if the reuse of second-hand creosote wood is prohibited for railway sleepers or poles? For which actor and which applications do you expect the largest changes, and why? What would happen if reuse of second-hand creosote wood is allowed for the original user but not for the other professionals?
3. In SEAC’s opinion the restriction proposal has been simplified compared to the existing restriction entry 31. It becomes more clear and therefore more easy to interpret. Do you still find there to be gaps in the proposal that need further clarification? Please explain the reasons and justifications for your answer.
4. A limited amount of information was available on the reuse of second-hand railway sleepers and utility poles by private companies (e.g. tourist railways or private distribution system operators). Do you have information on the amount of railway sleepers or utility poles that are removed and reused in total in the EEA or in a specific Member State by your national or private railway or energy distribution company every year? Could you please provide the percentages or amounts of railway sleepers or utility poles that are disposed as hazardous waste by the original user or by other professional users? Do you have information on the amount of railway sleepers or utility poles reused for the same purpose within your company/or within your Member State?
5. For railway sleepers and utility poles, the use of new wood freshly treated with creosote is still allowed in a number of EU Member States. On the other hand, we see that in a large part of Europe creosote-treated sleepers have been replaced for example by concrete sleepers and utility poles have been replaced for example by underground wiring. Can you describe the situation in your country or company, commenting on why new wood is still treated with creosote or why reuse is still needed. Are the issues that are preventing the use of non-creosote alternatives of technical nature, for instance, based on specific circumstances or applications (and if so which one(s)? Or are the issues of economic nature or explained by even other reasons?
6. If you are a re-user of railway sleepers or utility poles, please describe under which technical conditions these railway sleepers or utility poles are precisely used (e.g. bridges, tunnels, etc.) and please comment on the amounts sold or acquired per year. Please also explain the economic consequences of not being allowed to reuse creosote-treated articles anymore and which will be the most probable alternative.?
7. SEAC finds that the transitional period proposed by the Dossier Submitter after which the restriction shall apply (i.e. 12 months after entry into force) is appropriate to allow the implementation of all steps necessary for compliance with the restriction. Do you agree with this assessment? Please explain the reasons and justifications for your answer. Where relevant, please comment on the steps that need to be implemented in the successful transition with durations for each step and any differences in the cost of the transition comparing the scenario of the 12-month transitional period to a shorter or longer transitional period if that is considered more suitable.
8. SEAC proposes to request users to maintain documentation of the purchase and sales and/or disposal of the creosote treated material. Is this in practice already done? If not, is this requirement feasible to implement?

|  |  |  |
| --- | --- | --- |
| Ref. | Date/Type/Org. | Comments |
| 1240 | Date/Time:  2023/10/31 16:50  Type:  MemberState  Country:  Germany | General Comments:  Please see answers to specific questions. |
| Specific information 2:  The DE CA would support that as in Germany the railway infrastructure is very complex and separated into federally owned and non-federally owned railway companies. It appears reasonable to allow re-use of creosote-treated railway sleepers also for e.g. smaller regional railway companies other than the original (first) user such as e.g. the biggest federally owned railway company. Such type of re-use could lead to a decrease of newly creosote-treated wood for railway sleepers and therefore has a positive impact on human health and the environment. |
| Specific information 3:  The DE CA would like to point out that it should be considered that re-use of creosote-treated wood as e.g. railway sleepers should not only be allowed in the same MS where the original use took place but should further be allowed in all MS that are on the ECHA list for that same original use. For example, DE and NL CA authorised creosote treatment of wood for the use of railway sleepers. Why should it then not be possible for a German railway company to buy and/or re-use creosote treated railway sleepers from a Dutch company? |
| Specific information 6:  The DE CA would like to point out that replacement of restriction entry 31 does not necessarily provide simplification and clarification. The DE CA would like to comment two aspects: - Terms “re-use/primary use” and “secondary use” - Wood treated with creosote before December 2002 still in use Terms “re-use/primary use” and “secondary use” Although the regulation of “re-use” and “secondary use” of creosote-treated articles under REACH is improved, complexity is added by the clear link to the conditions and derogations of the BPR. This leads to a situation where only the first placing on the market of treated articles such as creosote-treated wood is regulated and necessitates the introduction and definition of the terms “re-use/primary use” and “secondary use” which in total adds complexity and makes is difficult to apply the legal text straight forward in the setting of the REACH regulation. In the draft SEAC opinion it is suggested that the term “re-use” is defined by Article 3 (13) of the Waste Framework Directive as any operation by which products or components that are not waste are used again for the same purpose for which they were conceived. REACH only defines “use” in Art. 3. It should be considered to add the definition of the introduced terms “re-use/primary use” and “secondary use” to the legal text or better find a wording of a legal text that is more in line with the definitions of the REACH regulation by e.g. banning placing on the market and use of creosote-treated wood in general combined followed by formulating a derogation similar to paragraph 3 suggested by SEAC. Wood treated with creosote before December 2002 still in use No distinction is made in the new restriction proposal between wood treated before and after 31/12/2002 and reuse will be confined to clearly defined applications as long as such applications are allowed under the BPR. However, in view of the DE CA further clarification is needed. The SEAC draft opinion outlines on p.17 that the proposed restriction does not affect the continuation of uses of creosote-treated wood (irrespective of the date of treatment) as long as the wood is not subjected to re-use or secondary use by its current user. However, the DE CA won-ders if it is clear whether such wood can or cannot be re-used for any of the still per-mitted uses. Further, “use(s)” of creosote-treated wood per se are not addressed in the restriction proposal. This leads to the legalisation of all uses of creosote-treated wood (irrespective of the date of treatment) that have occurred before entry into force of this new legal text. Also, the ones in which installations might have occurred which are not in accordance with the current restriction entry No. 31 of Annex XVII of the REACH regulation e.g. wooden flooring in bars, pots or boundaries of flower patches in public spaces and parks. The DE CA was wondering if it should be clarified if the continuation of uses of creosote-treated wood (irrespective of the date of treatment) is intended. |
| Specific information 8:  In 2020 the DE CA organised a meeting with railway companies and associations in which it was discussed that railway sleepers from concrete and plastic are viable alternatives in Germany. According to information brought forward in this meeting, plastic railway sleepers are more expensive than concrete railway sleepers and are only used when the use of concrete railway sleepers are not possible. Wooden railway sleepers are needed on bridges as vibration damping on structures and have advantages during repair work as single sleepers can be replaced without major technical effort and suffer low damage in the event of derailments. Nowadays, creosote-treated railway sleepers are mainly installed during single sleeper replacement, when individual sleepers of a track section have to be replaced. In such cases, the replacement of individual sleepers with a sleeper made of a different material remains problematic due to the different stiffness of the material: the stiffer sleeper wears out much faster. A mix of materials can be used for 1-2 years as a transitional option if the tracks are to be rebuilt afterwards. If the track section is planned to be used for another 15-20 years, an individual replacement with a wooden sleeper is more feasible. |
| SEAC Rapporteurs response:  Response to point 2:  Information incorporated on page 87: The RO3 option was supported by the German Competent Authority in commenting on the SEAC draft opinion as such type of reuse could lead to a decrease of newly creosote-treated wood for railway sleepers and therefore have a positive impact on human health and the environment.  Response to point 3:  Information incorporated on page 87: The German Competent Authority indicated in their comments on the SEAC draft opinion that marketing should not be restricted to the same Member State, but that it should be possible to market the second-hand sleepers in all European Member States on the ECHA list. SEAC maintained its advice to keep the marketing to the original Member State.  Response to point 6:  Noted. Quite some remarks are more legal issues. We think that paragraphs 2a and 2b of the restriction entry are quite clear as it prohibits distribution, reuse and secondary use as well as placing or making available on the second-hand market of creosote treated wood irrespective the date of impregnation. Restrictions generally do not touch on already existing uses and this restriction proposal does not deviate from that. We think that the limitation to railway sleepers and utility poles generates a lot of clarity and that decreases the risks of exposure of the general public. In relation to article 2.c. of current entry #31 we observed that it is almost impossible to distinguish between wood treated before and after 31/12/2002 and that this distinction is in practice hardly enforceable. This means that stakeholders always offer ‘wood treated before 31/12/2002.’  Response to point 8:  Incorporated on page 43: In their comments on the SEAC draft opinion the German Competent Authority further specified the needs and possibilities: “In 2020 the DE CA organised a meeting with railway companies and associations in which it was discussed that railway sleepers from concrete and plastic are viable alternatives in Germany. According to information brought forward in this meeting, plastic railway sleepers are more expensive than concrete railway sleepers and are only used when the use of concrete railway sleepers are not possible. Wooden railway sleepers are needed on bridges as vibration damping on structures and have advantages during repair work as single sleepers can be replaced without major technical effort and suffer low damage in the event of derailments. Nowadays, creosote-treated railway sleepers are mainly installed during single sleeper replacement, when individual sleepers of a track section have to be replaced. In such cases, the replacement of individual sleepers with a sleeper made of a different material remains problematic due to the different stiffness of the material: the stiffer sleeper wears out much faster. A mix of materials can be used for 1-2 years as a transitional option if the tracks are to be rebuilt afterwards. If the track section is planned to be used for another 15-20 years, an individual replacement with a wooden sleeper is more feasible.” Amounts of reuse have not been provided. SEAC appreciate the insight on a number of niche applications provided by the German Competent Authority and an additional commenter on the draft opinion.  See also specific information 8 in the comments below, which has been incorporated on the same place in the draft opinion. The submitted text has been incorporated in the Draft Opinion as additional information. |
| 1241 | Date/Time:  2023/11/01 11:45  Type:  BehalfOfAnOrganisation  Org. type:  National Authority  Org. name:  <redacted>  Org. country:  Greece  Company name confidential:  Yes  Attachment:    <redacted>  Privacy statement:  These comments are confidential information of a Public Organization. | General Comments:  The policy of the organization is that, yes, wooden sleepers that have been treated with creosote are used, but the goal is to limit them in the long term. Their use and/or reuse is small-scale, sporadic and mainly at points of change, in some technical infrastructure projects such as bridges, etc. The reasons for their use are mainly technical and economic as in the storage areas of organization there are stocks of wooden beds.Indicatively, some economic reasons that make the complete replacement of wooden sleepers difficult are the following: 1) There are large parts of the network with wooden sleepers, their replacement would require the complete renovation of these parts and the finding of significant financial resources. 2) There are significant stocks of wooden sleepers in the event of a ban on their use, these stocks would no longer be useful and, in addition, significant financial resources would be required for their special management.For example, some technical reasons that make it difficult to completely replace the wooden sleepers are the following: 1) In the context of maintenance, it is technically not possible to replace the wooden sleepers with concrete sleepers as they have different dimensions and mechanical properties 2) In the cases of technical works where the crowning of the technician does not allow the existence of a sufficient ballast layer and moreover the stiffness of the technician causes mechanical stress on the concrete sleepers, the wooden sleepers are advantageous.3) In the case of metal bridges of old construction, it is only possible to install wooden sleepers of a special cross-section, on the one hand, due to their dimensions and the way they are attached, and on the other hand, due to the smaller permanent loads they create on the bridges. 4) In the cases of track changes where the use of wooden sleepers is advantageous because on the one hand in case of damage they are easy to replace and on the other hand because their mechanical properties do not create stress problems on their mechanical parts.5) In the cases of poor infrastructure quality due to its flexibility they generally show better behavior and durability. 6) In the case of construction of temporary support measures due to its mechanical properties combined with their light weight. |
| Specific information 1:  REDACTED δεν διαθέτει την απαραίτητη τεχνογνωσία ώστε να μπορέσει να αξιολογήσει τις επιπτώσεις θετικές ή/και αρνητικές, οι οποίες ενδέχεται να προκύψουν στην οικονομία, στο περιβάλλον καθώς και στην ανθρώπινη υγεία, με την επαναχρησιμοποίηση και τη δευτερογενή χρήση του ξύλου που έχει υποστεί επεξεργασία με κρεόζωτο και ουσίες που σχετίζονται με το κρεόζωτο.Όμως για οικονομικούς λόγους θα μπορούσε να δοθεί παράταση για την χρήση των στρωτήρων κυρίως σε επιχώματα και αντιστήριξη στην περιοχή των σιδηροδρομικών γραμμών.  REDACTED does not have the necessary expertise to be able to assess the positive and/or negative effects that may arise on the economy, the environment and human health from the reuse and secondary use of creosote-treated wood and substances related to creosote. However, for economic reasons, an extension could be given for the use of sleepers mainly in embankments and support of in the area of railway lines. |
| Specific information 2:  REDACTED δεν διαθέτει την απαραίτητη τεχνογνωσία ώστε να μπορέσει να αξιολογήσει επαρκώς τις επιπτώσεις θετικές ή/και αρνητικές, οι οποίες ενδέχεται να προκύψουν στην οικονομία, στο περιβάλλον καθώς και στην ανθρώπινη υγεία, με την επαναχρησιμοποίηση και τη δευτερογενή χρήση του ξύλου που έχει υποστεί επεξεργασία με κρεόζωτο και ουσίες που σχετίζονται με το κρεόζωτο, όχι μόνο από τον αρχικό χρήστη αλλά και από άλλους επαγγελματίες χρήστες. Τυχόν απόψεις για τις επιπτώσεις στο περιβάλλον και στην ανθρώπινη υγεία, δύναται να διαμορφωθούν και τεκμηριωθούν στην περίπτωση που ανατεθεί η εκπόνηση σχετικών μελετών και ερευνών.Σε ότι αφορά τις επιπτώσεις στον τομέα της οικονομίας υφίστανται λόγοι που δυσχεραίνουν την πλήρη αντικατάσταση των ξύλινων στρωτήρων που έχουν υποστεί επεξεργασία με κρεόζωτο, εφόσον τέτοιου είδους στρωτήρες καταλαμβάνουν μέγαλου μήκους τμήματα του σιδηροδρομικού δικτύου και εφόσον υπάρχουν σημαντικά αποθέματα ξυλινων στρωτήρων.  REDACTED does not have the necessary expertise to be able to adequately assess the positive and/or negative effects that may arise on the economy, the environment and human health from the reuse and secondary use of creosote-treated wood and substances related to creosote, not only by the original user but also by other professional users. Any opinions on the effects on the environment and on human health can be formulated and documented in the event that relevant studies and research are commissioned. Regarding the effects on the economy, there are reasons that make it difficult to completely replace the wooden beds that have suffered creosote treatment, since such sleepers occupy long stretches of the railway network and since there are significant stocks of wooden sleepers. |
| Specific information 3:  REDACTED συμφωνεί στην επαναχρησιμοποίηση των στρωτήρων από το ίδιο κράτος μέλος που έγινε η αρχική χρήση αλλά στην περίπτωση μόνο που θα μπορούσε αυτή η διαδικασία αυτή να ελεγχθεί επαρκώς.  REDACTED agrees to the re-use of mattresses from the same Member State as the original use, but only if this process could be adequately controlled. |
| Specific information 4:  Δεν δύναται να τεκμηριωθεί η σχετική πρόβλεψη, αλλά σε κάθε περίπτωση θεωρείται αρκετά πιθανό ενδεχόμενο να μην περιοριστεί στους επαγγελματίες χρήστες η επαναχρησιμοποίηση και η δευτερογενή χρήση του ξύλου που έχει υποστεί επεξεργασία με κρεόζωτο και ουσίες που σχετίζονται με το κρεόζωτο, έχοντας ως αποτέλεσμα να υφίσταται έκθεση στο ευρύ κοινό.  The relevant prediction cannot be substantiated, but in any case it is considered quite likely that the reuse and secondary use of creosote-treated wood and creosote-related substances will not be limited to professional users, resulting in exposure to the general public. |
| Specific information 5:  Η πολιτική της REDACTED είναι η σταδιακή αντικατάσταση των ξύλινων στρωτήρων οι οποίοι έχουν υποστεί επεξεργασία με κρεόζωτο. Αναμένονται μεγάλες αλλαγές στην προμήθεια ξύλινων στρωτήρων μετά την εφαρμογή της σχετικής απαγόρευσης καθώς θα χρειαστεί να προβούμε σε εναλλακτικές λύσεις σε ότι αφορά το υλικό των στρωτήρων. Αναφορικά με την επαναχρησιμοποίηση των μεταχειρισμένων ξύλινων στρωτήρων από τον αρχικό χρήστη όπως, η REDACTED θα συνέβαλε στη καλύτερη οικονομική διαχείριση της συντήρησης της σιδηροδρομικής γραμμής καθώς θα μείωνε σημαντικά το κόστος της, δεδομένου του όγκου των αναγκών συντήρησης στο δίκτυο.  The policy of REDACTED is the gradual replacement of wooden sleepers that have been treated with creosote. Big changes are expected in the supply of wooden beds after the implementation of the relevant ban as we will need to make alternative solutions regarding the material of the beds. Regarding the reuse of the used wooden sleepers by the original user such as REDACTED, it would contribute to the better economic management of the maintenance of the railway line as it would significantly reduce its costs, given the volume of maintenance needs in the network. |
| Specific information 6:  REDACTED δεν διαθέτει την απαραίτητη τεχνογνωσία ώστε να μπορέσει να αξιολογήσει. REDACTED does not have the necessary expertise to be able to evaluate. |
| Specific information 7:  REDACTED δεν διαθέτει αρχείο με τις απαιτούμενες πληροφορίες. REDACTED does not have a file with the required information. |
| Specific information 8:  Η πολιτική της REDACTED είναι ότι, ναι μεν χρησιμοποιούνται οι ξύλινοι στρωτήρες οι οποίοι έχουν υποστεί επεξεργασία με κρεόζωτο αλλά στόχος είναι μακροπρόθεσμα ο περιορισμός τους. Η χρήση τους ή/και η επαναχρησιμοποίηση τους είναι μικρής κλίμακας, σποραδική και κυρίως σε σημεία αλλαγών, σε κάποια τεχνικά έργα υποδομής όπως γέφυρες κ.λ.π. Ο λόγοι χρήσης τους είναι κυρίως τεχνικοί και οικονομικοί καθώς στους χώρους αποθήκευσης της REDACTED υφίστανται αποθέματα ξύλινων στρωτήρων. Ενδεικτικά ορισμένοι οικονομικοί λόγοι που δυσχεραίνουν την πλήρη αντικατάσταση των ξύλινων στρωτήρων είναι οι παρακάτω : 1) Υπάρχουν μεγάλα τμήματα του δικτύου με ξύλινους στρωτήρες η αντικατάσταση τους θα προϋπόθετε την πλήρη ανακαίνιση των τμημάτων αυτών και την εξεύρεση σημαντικών οικονομικών πόρων. 2) Υπάρχουν σημαντικά αποθέματα ξύλινων στρωτήρων σε περίπτωση απαγόρευσης τςη χρήσης τους αυτά τα αποθέματα θα ήταν πλέον άχρηστα και επιπλέον θα απαιτούνταν σημαντικοί οικονομικοί πόροι για την ειδική διαχείριση τους. Ενδεικτικά ορισμένοι τεχνικοί λόγοι που δυχεραίνουν την πλήρη αντικατάσταση των ξύλινων στρωτήρων είναι οι παρακάτω : 1) Στα πλαίσια της συντήρησης τεχνικά δεν είναι δυνατή η αντικατάσταση των ξύλινων στρωτήρων με στρωτήρες από σκυρόδεμα καθώς έχουν άλλες διαστάσεις και μηχανικές ιδιότητες 2)Στις περιπτώσεις τεχνικών έργων όπου η στέψη του τεχνικού δεν επιτρέπει την ύπαρξη επαρκούς στρώσης έρματος και επιπλέον η δυσκαμψία του τεχνικού προκαλεί μηχανική καταπόνηση των στρωτήρων από σκυρόδεμα, οι ξύλινοι στρωτήρες πλεονεκτούν. 3) Στις περιπτώσεις μεταλλικών γεφυρών παλαιάς κατασκευής είναι δυνατή μόνο η τοποθέτηση ξύλινων στρωτήρων ειδικής διατομής αφενός λόγω των διαστάσεων και του τρόπου προσήλωσης τους και αφετέρου λόγω των μικρότερων μόνιμων φορτίων που δημιουργούν στις γέφυρες. 4) Στις περιπτώσεις αλλαγών τροχιάς όπου η χρήση ξύλινων στρωτήρων πλεονεκτεί διότι αφενός σε περίπτωση ζημιάς εύκολη η αντικατάσταση τους και αφετέρου διότι οι μηχανικές τους ιδιότητες δεν δημιουργούν προβλήματα καταπόνησης στα μηχανικά τους μέρη. 5) Στις περιπτώσεις κακής ποιότητας υποδομής λόγω της ευκαμψίας της εν γένει παρουσιάζουν καλύτερη συμπεριφορά και ανθεκτικότητα. 6) Στην περίπτωση κατασκευής προσωρινών μέτρων αντιστήριξης λόγω των μηχανικών του ιδιοτήτων σε συνδυασμό με το μικρό τους βάρος.  The policy of REDACTED is that, yes, wooden sleepers that have been treated with creosote are used, but the goal is to limit them in the long term. Their use and/or reuse is small-scale, sporadic and mainly at points of change, in some technical infrastructure projects such as bridges, etc. The reasons for their use are mainly technical and economic as in the storage areas of REDACTED there are stocks of wooden beds.Indicatively, some economic reasons that make the complete replacement of wooden sleepers difficult are the following: 1) There are large parts of the network with wooden sleepers, their replacement would require the complete renovation of these parts and the finding of significant financial resources. 2) There are significant stocks of wooden sleepers in the event of a ban on their use, these stocks would no longer be useful and, in addition, significant financial resources would be required for their special management.For example, some technical reasons that make it difficult to completely replace the wooden sleepers are the following: 1) In the context of maintenance, it is technically not possible to replace the wooden sleepers with concrete sleepers as they have different dimensions and mechanical properties 2) In the cases of technical works where the crowning of the technician does not allow the existence of a sufficient ballast layer and moreover the stiffness of the technician causes mechanical stress on the concrete sleepers, the wooden sleepers are advantageous.3) In the case of metal bridges of old construction, it is only possible to install wooden sleepers of a special cross-section, on the one hand, due to their dimensions and the way they are attached, and on the other hand, due to the smaller permanent loads they create on the bridges. 4) In the cases of track changes where the use of wooden sleepers is advantageous because on the one hand in case of damage they are easy to replace and on the other hand because their mechanical properties do not create stress problems on their mechanical parts.5) In the cases of poor infrastructure quality due to its flexibility they generally show better behavior and durability. 6) In the case of construction of temporary support measures due to its mechanical properties combined with their light weight. |
| Specific information 9:  REDACTED χρησιμοποιεί ή/και επαναχρησιμοποιεί στρωτήρες που έχουν υποστεί επεξεργασία με κρεόζωτο αλλά μόνο σε περίπτωση που αυτοί βρίσκονται σε καλή κατάσταση και σε καμία περίπτωση η χρήση τους δεν αποτελεί συνήθη τακτική. Η οικονομική συνέπεια της μη χρήσης τους, θα είναι τουλάχιστον ανάλογη των σχετικών αποθεμάτων.  REDACTED uses and/or reuses creosote-treated sleepers but only if they are in good condition and in no case is their use a routine practice. The economic consequence of not using them will be at least proportional to the relevant stocks. |
| Specific information 10:  REDACTED θεωρεί ότι η μεταβατική περίοδος των 12 μηνών είναι μικρή, καθώς ειδικά για την περίπτωση των στρωτήρων, εάν υπάρξει «κενό», σε συνδυασμό με καθυστερήσεις σε τυχόν χρηματοδοτήσεις, αυτό θα οδηγήσει σε ελλιπή συντήρηση του σιδηροδρομικού δικτύου.  REDACTED considers the transition period of 12 months to be short, as especially in the case of sleepers, if there is a "gap", combined with delays in any funding, this will lead to insufficient maintenance of the rail network. |
| Specific information 11:  REDACTED δεν γνωρίζει εάν έχει ακολουθηθεί κάποια σχετική διαδικασία. Σε κάθε περίπτωση όμως είναι εφικτή η εφαρμογή της απαίτησης σε συνεργασία με τους αρμόδιους φορείς. REDACTED does not know if any relevant procedure has been followed. In any case, however, it is possible to implement the requirement in cooperation with the competent bodies. |
| **SEAC Rapporteurs response:**  Response to point 1:  Incorporated on page 88: This was also brought forward by another user of creosote-treated wood in the comments on the SEAC draft opinion. The use in embankments as mentioned by the submitter have been added in the text of the Draft Opinion.  Response to point 2:  Incorporated on page 58: One user of creosote-treated wood replied in the consultation of the SEAC draft opinion that considering the economics it would be difficult to completely replace the wooden sleepers since creosote-treated sleepers occupy long stretches and since there are significant stocks. SEAC has interpreted that as if prohibition of reuse by other professional users would have considerable cost implications.  Response to point 3:  Information incorporated on page 87: A user of creosote-treated wood that reacted to the SEAC draft opinion could agree with the limitation of the marketing to the original Member State. SEAC concurs with the Dossier Submitter that the sales should be restricted to the same Member State to facilitate enforcement of the restriction.  Response to point 4:  Incorporated in page 87: One user of creosote-treated wood that submitted comments on the SEAC draft opinion indicated that “The relevant prediction [that sales on the second-hand business-to-business market can be limited to professional users only] cannot be substantiated, but in any case it is considered quite likely that the reuse and secondary use of creosote-treated wood and creosote-related substances will not be limited to professional users, resulting in exposure to the general public.” 'SEAC notes that no further explanation or justification for the statement was provided in the comment. SEAC further notes that FORUM, in answering specific questions on the enforcement of RO3, generally considered RO3 as enforceable although some members considered that RO2 would guarantee that other usages and accessibility for the public are prevented by RO2 in a more sufficient way.  And in page 102: This was confirmed by a user of creosote-treated wood in its comments to the SEAC draft opinion which considered it quite likely that the reuse and secondary use of creosote-treated wood and creosote-related substances will not be limited to professional users, resulting in exposure to the general public. 'SEAC notes that no further explanation or justification for the statement was provided in the comment. SEAC further notes that FORUM, in answering specific questions on the enforcement of RO3, generally considered RO3 as enforceable although some members considered that RO2 would guarantee that other usages and accessibility for the public are prevented by RO2 in a more sufficient way.’  Response to point 5:  Incorporated in page 58: One user of creosote-treated wood reacted to the SEAC draft opinion and indicated that the reuse of the used wooden sleepers by the original user would contribute to the better economic management of the maintenance of the railway line as it would significantly reduce its costs, given the volume of maintenance needs in the network. The creosote-treated sleepers are only reused if they are in good condition and in no case is their use a routine practice. The economic consequence of not using them will be at least proportional to the relevant stocks. They also indicated that it would be difficult to completely replace the wooden sleepers since creosote-treated sleepers occupy long stretches and since there are significant stocks. SEAC has interpreted that as stating that prohibition of reuse would have considerable cost implications. As reuse is linked to the registration of use within a Member State under the BPR, this may also affect use of second-hand material.  Response to point 6:  Noted.  Response to point 7:  Noted.  Response to point 8:  Incorporated on page 43: A user of creosote-treated wood commenting on the SEAC draft opinion mentioned some technical issues for not replacing wooden sleepers in a number of niche applications as well some economic considerations. As in the German comment the light weight, flexibility were mentioned as well as their use in temporary support. See also German CA specific information 8, which has been incorporated on the same place in the draft opinion.  Response to point 9:  Incorporated in page 58: One user of creosote-treated wood reacted to the SEAC draft opinion and indicated that regarding the reuse of the used wooden sleepers by the original user would contribute to the better economic management of the maintenance of the railway line as it would significantly reduce its costs, given the volume of maintenance needs in the network. The creosote-treated sleepers are only reused if they are in good condition and in no case is their use a routine practice. The economic consequence of not using them will be at least proportional to the relevant stocks. They also indicated that it would be difficult to completely replace the wooden sleepers since creosote-treated sleepers occupy long stretches and since there are significant stocks. SEAC has interpreted that as stating that prohibition of reuse would have considerable cost implications. As reuse is linked to the registration of use within a Member State under the BPR, this may also affect use of second-hand material. See also specific information 5.  Response to point 10:  Incorporated in page 46: One user of creosote-treated wood commented in its response to the SEAC draft opinion that is considers 12 months to be short, especially for sleepers. As Greece has not registered for the use of new creosote railway sleepers under the BPR, this restriction on second hand railway sleepers will become effective for the stakeholder 12 months after the entry into force, which may lead to insufficient maintenance of the rail network. However, SEAC did not receive any data on the amount of stock of railway sleepers nor on the time needed to implement any alternatives. SEAC keeps to its earlier conclusion that 12 months transition period would be sufficient.  Response to point 11:  Incorporated in page 85: A user of creosote-treated wood indicated in the comments to the SEAC draft opinion that such a practice would be possible to implement in cooperation with the competent bodies. |
| 1242 | Date/Time:  2023/11/06 17:04  Type:  BehalfOfAnOrganisation  Org. type:  National Authority  Org. name:  Directorate for Cultural Heritage Norway  Org. country:  Norway | General Comments:  Thank you for the opportunity to give feedback to this recast. The Directorate for Cultural Heritage in Norway take the following position in the consultation on the draft opinion of the Committee of Socio-economic Analysis (SEAC) regarding creosote and creosote related substances:  From what we know, creosote-impregnated sleepers are currently used on all listed historic railways and railways at museums in Norway. This consists of 9 railways altogether. When Norway's national railways company switched to concrete sleepers, wooden sleepers with remaining capacity were replaced. Many were taken over by museumtracks for storage and later use in maintenance of the historic railways. Today there are probably very little left of this material in store.  Reuse of creosote-impregnated sleepers today is primarily done in the form of moving sleepers from one stretch/lot to another. For example, sleepers that are no longer in sufficient technical condition for a main track with traffic, can be reused on sidings with less traffic, or for storing historic trains.  To be able to reuse sleepers with a limited lifespan is of importance especially for financial reasons in the museum sector. The museum tracks in general are largely run by the voluntary sector, including the maintenance of the track sections. Wooden sleepers have a cultural-historical significance as wood is the close to sole material used in Norway, this connected to the country's rich supply of wood. Sleepers form a central part of the technical structure of a railway and the visual experience of it. |
| Specific information 9:  Thank you for the opportunity to give feedback to this recast. The Directorate for Cultural Heritage in Norway take the following position in the consultation on the draft opinion of the Committee of Socio-economic Analysis (SEAC) regarding creosote and creosote related substances: From what we know, creosote-impregnated sleepers are currently used on all listed historic railways and railways at museums in Norway. This consists of 9 railways altogether. When Norway's national railways company switched to concrete sleepers, wooden sleepers with remaining capacity were replaced. Many were taken over by museumtracks for storage and later use in maintenance of the historic railways. Today there are probably very little left of this material in store. Reuse of creosote-impregnated sleepers today is primarily done in the form of moving sleepers from one stretch/lot to another. For example, sleepers that are no longer in sufficient technical condition for a main track with traffic, can be reused on sidings with less traffic, or for storing historic trains. To be able to reuse sleepers with a limited lifespan is of importance especially for financial reasons in the museum sector. The museum tracks in general are largely run by the voluntary sector, including the maintenance of the track sections. Wooden sleepers have a cultural-historical significance as wood is the close to sole material used in Norway, this connected to the country's rich supply of wood. Sleepers form a central part of the technical structure of a railway and the visual experience of it. |
| **SEAC Rapporteurs response:**  Added on page 64: In the third party consultation on the SEAC draft opinion (comment 1242), the Directorate for Cultural Heritage of Norway commented that some pf the wooden creosote-treated sleepers removed by the Norwegian NRIM (that is switching to concrete) are currently reused on all nine historic railways as well as by museums in Norway. It was underlined that Norwegian museums reuse railway sleepers made in wood because wood has a cultural-historical significance in Norway but also for financial reasons. |
| 1243 | Date/Time:  2023/11/07 14:11  Type:  MemberState  Country:  Norway | General Comments:  Thank you for the opportunity to comment on this restriction proposal. As we have already expressed in the previous consultation, we support this restriction, and we welcome a stricter and clearer regulation of these products.  We can also agree with SEAC that it seems reasonable to allow re-use by other professional users, of railway sleepers and utility poles, since the greatest risk is the exposure to the general public. We therefore support the suggested limited use with strict conditions. |
| **SEAC Rapporteurs response:**  Incorporated in page 87: The Norwegian Competent Authority also indicated that it seems reasonable to allow reuse by other professional users, of railway sleepers and utility poles, since the greatest risk is the exposure to the general public and therefore they support the suggested limited use with strict conditions. SEAC concurs with the Dossier Submitter that the sales should be limited to the same Member State to facilitate enforcement of the restriction. |
| 1244 | Date/Time:  2023/11/07 14:40  Type:  BehalfOfAnOrganisation  Org. type:  Company  Org. name:  NIE Networks  Org. country:  United Kingdom | General Comments:  In the SEAC’s draft opinion, references are made to Northern Ireland no longer being part of an EU Member State. It is important to note however that, in accordance with the Agreement on the withdrawal of the United Kingdom from the EU (‘the Withdrawal Agreement’) (in particular the Protocol on Ireland/Northern Ireland), the provisions relating to creosote treated wood contained within REACH, the BPR and the WFD continue to apply in Northern Ireland. Indeed, for the purposes of the BPR, the UK in respect of Northern Ireland is named in the published list of states where creosote treated wood may be placed on the market. Therefore the restriction proposal made by the Dossier Submitter to amend the REACH Regulations in respect of creosote treated wood has the potential to impact NIE Networks significantly. |
| Specific information 1:  In the SEAC’s draft opinion, references are made to Northern Ireland no longer being part of an EU Member State. It is important to note however that, in accordance with the Agreement on the withdrawal of the United Kingdom from the EU (‘the Withdrawal Agreement’) (in particular the Protocol on Ireland/Northern Ireland), the provisions relating to creosote treated wood contained within REACH, the BPR and the WFD continue to apply in Northern Ireland. Indeed, for the purposes of the BPR, the UK in respect of Northern Ireland is named in the published list of states where creosote treated wood may be placed on the market. Therefore the restriction proposal made by the Dossier Submitter to amend the REACH Regulations in respect of creosote treated wood has the potential to impact NIE Networks significantly. |
| Specific information 2:  NIE Networks agrees with the SEAC’s assessment of the impacts of re-use of electricity poles. At present, the alternative to re-using a pole would simply be to dispose of it and to purchase a new creosote-treated wood pole. This would have a much higher environmental and financial cost with no apparent benefits. |
| Specific information 7:  NIE Networks currently replaces approximately 11,000 creosote-treated wood poles per annum, although we expect this number to increase in the near future, with a ramp up of our operations during our next regulated price control period. A small percentage of these poles are currently re-used by us, however we expect this re-use to increase significantly as we are currently undertaking a major overhead line network rebuild. Approximately 3,000 poles per annum are disposed of as hazardous waste and transported to GB for disposal. The remaining poles, approximately 70%, are transferred (free of charge) to landowners under the existing regulations for secondary use. Again, we would strongly support retaining the current arrangements as set out in the existing entry 31 of REACH Annex XVII. |
| Specific information 8:  The vast majority of poles used in Northern Ireland for electricity distribution are creosote-treated wood poles. There are a small number of concrete and steel poles on the electricity network but these were installed for site-specific circumstances and are not widely used. While a lot of the urban network would contain underground cables, the vast majority of the electricity network in Northern Ireland is rural overhead line. NIE Networks is currently exploring all alternative options available with a view to moving away from the use of creosote treated wood poles on its network ahead of the current derogation deadline of October 2029. NIE Networks is currently engaged in industry wide trials on the viability of creosote alternatives alongside the GB Distribution Network Operators (DNOs) and ESB Networks. These trials have not yet concluded and therefore we have not yet identified a solution that we consider an immediate viable alternative. Alternative options are also currently several times more expensive than a creosote-treated wood pole, without a proven life-expectancy. As a regulated company, we have a duty to ensure the best value for money for the Northern Ireland customer and these alternative options are not yet economically viable for wholesale use. |
| Specific information 10:  There are currently very limited facilities for disposing of significant volumes of wood poles as hazardous waste. There are none (as far as we are aware) on the island of Ireland and only one that we currently use in Great Britain. The proposed restriction would require either new plants to be constructed or existing plants extended. This is not something that NIE Networks would implement but instead would be reliant upon waste contractors to initiate. Furthermore, there are other utilities within the island of Ireland (such as ESB Networks and BT Openreach) that would require increased capacity from the same facilities. We consider that it would be extremely difficult to achieve all this within a 12 month transitional period, which could mean that significant quantities of used poles may need to be stored for a long period prior to disposal. We would suggest that a more appropriate transitional period would be 36 months, being a realistic timeframe within which the necessary disposal facilities could be constructed/extended. |
| Specific information 11:  NIE Networks obtains and keeps documentation of all hazardous waste disposal. Furthermore, NIE Networks obtains and keeps transfer documentation from landowners in relation to those creosote-treated wood poles transferred under the existing regulations. |
| **SEAC Rapporteurs response:**  Incorporated in page 58: NIE indicated that creosote-treated utility poles that are removed from their network are reinstalled (reused) on their own network but in other locations. Even if the current amount of in-house reuse is low, they anticipate an increase in the levels of in-house utility pole reuse as they are undertaking a major overhead line network rebuild.  During the third party consultation on the SEAC draft opinion (comment #1244), NIE commented that, at present, the alternative to re-using a pole would simply be to dispose of it and to purchase a new creosote-treated wood pole, entailing a much higher environmental and financial cost with no apparent benefits. Moreover, given the limited capacity in the few existing disposal facilities for hazardous waste, the NIE suggest that a 36 months, transitional period would be a realistic timeframe within which disposal facilities could be constructed or extended to dispose of the removed utility poles.  SEAC notes that, in their second comment, NIE made clear that in accordance with Protocol on Ireland/Northern Ireland of the Agreement on the withdrawal of the UK from the EU, the provisions of REACH, BPR and WFD continue to apply in Northern Ireland. NIE underlined that the proposed restriction has the potential to impact NIE Networks significantly.  SEAC considers that both comments received from NIE provide indication of the possible reuse (and secondary use) of utility poles that could also occur in European Member States. SEAC notes that, during the third-party consultation, no other comments were received on the use, the reuse (and the secondary use) of electricity poles.  Incorporated page 69: It is important to note that no information was provided on whether as original users implement secondary uses, not even from the stakeholder using utility poles (the NIE Network from Northern Ireland) that responded to the third party consultations on the Annex XV report **and on the SEAC draft opinion**.  Response to point 10:  Added to page 46: The Northern Ireland Electricity (NIE) Networks indicated in their comments to the SEAC draft opinion that it considers 12 months too short for proper management and disposal of waste generated as a result of the restriction and pleas for an extension to 36 months. Although not substantiated, this suggest that currently a large amount of poles is exported as a product to another country or that a large amount is destined for secondary use. SEAC believes that the current proposal may indeed lead to a larger amount of poles to be disposed of, but doubt whether a 36 months transition period would solve this problem by an increase in hazardous waste facilities. |
| 1245 | Date/Time:  2023/11/07 17:03  Type:  BehalfOfAnOrganisation  Org. type:  Industry or trade association  Org. name:  Coal Chemicals Europe, a Cefic Sector Group  Org. country:  Belgium  Attachment: | General Comments:  The Cefic sector group “Coal Chemicals Europe (CCE)” (https://www.coalchemicals.org/) welcomes the possibility of submitting comments to the public consultation for the French Restriction Proposal for Creosote and Creosote-related substances.  The attached letter recommends the removal of the remaining seven “Creosote-related substances” from the restriction proposal and only keeping Creosote (CAS 8001-58-9) in. The inclusion of these other substances, leading to their presence in the PIC regulation, imposes unnecessary complexities on both industry stakeholders and international governing bodies, causing a major impact on other legislations. Moreover, their presence serves no significant purpose in restricting the secondary markets of old wood treated with creosote. Indeed, Creosote (CAS No 8001-58-9), is currently the only substance in the restriction proposal legally allowed to be used for wood treatment in Europe. By removing these substances, the restriction proposal streamlines its focus to solely regulate the legal application of creosote as a wood preservative within Europe. More details can be found in the letter and annexes. |
| **SEAC Rapporteurs response:**  SEAC has answered this topic in the following way on page 97: During the third party consultation on the SEAC draft opinion, SEAC received comments from the Coal Chemicals Europe (member of CEFIC) (comment #1245) asking to remove seven creosote related substances that are currently not allowed for wood treatment and they foresee that their presence in the restriction proposal and consequently in the PIC regulation may impact their market negatively in case the EU decides to prohibit production for export of chemicals banned in the EU. No further argumentation has been provided in the comment and the claim has not further been substantiated by SEAC. A comparable comment submitted by the same commenter during the consultation of the Annex XV dossier has been answered by RAC, who indicated that in the case of removal a PAH-analysis would not be able to distinguish banned creosote from not regulated creosote-related substances and then additional chemical analysis would be needed to make sure that the old sleepers were treated with creosote and not with any of the creosote-like substances, making enforcement more difficult. |