

The REACH REFIT evaluation

Contribution from the European Chemical Regions Network (ECRN) to the European Commission's Public Consultation in relation to the REACH REFIT evaluation

ECRN priorities for the further implementation of REACH

The European Chemical Regions Network (ECRN) welcomes the measures already taken by the Commission, ECHA, the industry and relevant authorities and stakeholders at national, regional and local levels concerning the implementation of REACH. However, in the context of the ongoing REACH REFIT evaluation, we also see the need for further concise efforts and targeted initiatives to tackle the remaining problems. We call for attention to the following aspects in particular:

- **Addressing challenges faced by small- and medium-sized enterprises (SMEs)**
- **Enhancing communication along the supply chain**
- **Understanding impacts of REACH on competitiveness**
- **Ensuring consistent implementation and a stable regulatory framework**

These overarching issues are addressed in reference to the five REFIT evaluation criteria (effectiveness, efficiency, relevance, coherence and EU added value) below.

EFFECTIVENESS

Since its entry into force, the REACH Regulation has proved its added value and contributed significantly to harmonisation of chemicals policy, chemicals safety and data transparency. Given the key enabling role of chemicals across European value chains, REACH has implications for the overall European economy and its competitiveness.

REACH has contributed to the overall objective of ensuring “a high level of protection of human health and the environment, including the promotion of alternative methods for assessment of hazards of substances, as well as the free circulation of substances on the internal market while enhancing competitiveness and innovation”¹. Significant benefits have been delivered particularly in terms of health and environment, as well as the internal market.

Nevertheless, there are still important remaining challenges to be addressed, especially regarding competitiveness and innovation. While the European internal market has benefited from harmonisation,

¹ REACH Article 1, paragraph 1

challenges remain especially with SMEs, as well as in terms of enforcement and equal treatment between EU and non-EU actors (producers and importers).

EFFICIENCY

While REACH generates benefits for the society by protecting human health and the environment via safer use of chemicals and contributes to harmonization of the EU chemicals legislation, it remains one of the most burdensome pieces of EU legislation, as noted in earlier studies and assessments.

Given the central importance of chemicals for the European industry, innovation and economy, it is imperative that competitiveness implications of REACH are analysed and recognised. The needs and characteristics of SMEs should be acknowledged also in this regard and explicitly addressed in further analyses, particularly after the 2018 deadline, as the lower tonnages and third registration phase bring an increased number of SMEs under the scope of REACH.

In general terms, the burdensome nature of REACH and the challenges faced by SMEs have been recognised and series of measures have already been implemented. Nonetheless, as the 2018 registration deadline approaches, SMEs still continue to face challenges with REACH. Further efforts are needed.

The administrative burden and costs incurred by REACH can be disproportionate, especially with low tonnages. SMEs already benefit from reduced registration fees, but the fees are merely a minor part of the overall costs, which add up from testing, data gathering, administrative work, fees for possible external support and other related factors.

SMEs often lack in-house expertise regarding REACH-related procedures and requirements. Dealing with long and complex guidance documents or complex electronic tools and facing challenges with lack of time or resources to contribute to formal consultation processes or have concrete influence in a landscape dominated by large industry actors (SIEFs, working groups, consultation groups) are all factors that add to the load faced by SMEs. It is therefore important to ensure that complexity and unnecessary burdens are reduced (dossier submission requirements, tools, procedures, guidance), targeted information and dedicated support are readily available and the necessary requirements are clear.

RELEVANCE

Periodical review of the implementation of REACH allows for stock-taking and learning from past experiences. From the perspective of the European chemical regions, REACH remains consistent with the current needs.

For further implementation of REACH, it is important to maintain a stable legal and regulatory framework and therefore there should be no further changes to the text of REACH Regulation. The predictability and clarity of the regulatory framework is important not only for the industry and SMEs in particular, but also for the consistency and efficiency of implementation and work done in the Member States and European regions.

COHERENCE

Coherence of application is of central importance and it is good that the evaluation of REACH is done in parallel with fitness check on other chemicals legislation and evaluation of EU health and safety at work directives.

Continuous assessments are necessary and new information and knowledge should be leveraged and taken into account. However, in this regard it is also important to acknowledge the necessity of maintaining a clear and stable regulatory framework and reduce unnecessary ambiguity and long-term uncertainty as much as possible.

Remaining challenges should be addressed regarding for instance the authorisation procedure. On the whole, the authorisation procedure should be simplified and matched with investment and innovation cycles. Besides authorisation, risks can also be effectively addressed through the Risk Management Option Assessments (RMOAs), which should be applied across Europe in a harmonized manner.

Despite the progress made with for instance the Substances of Very High Concern (SVHC) Roadmap, inclusion of new substances on the candidate list for authorisation increases uncertainty of potential compliance and cost load for companies. Moreover, already granted authorisations are subjected to periodical review, which can cause difficulties in terms of long term planning due to uncertainty. The pending uncertainty hampers planning and investment decisions, and can eventually result in substance withdrawals or relocation decisions. This puts EU-based production and value chains in a disadvantaged position, as the authorisation applies only to manufacturing in the EU.

EU ADDED VALUE

The greatest EU added value of the REACH Regulation will only be achieved once all the different chapters of REACH are implemented and enforced successfully and consistently across the EU. At the moment, work for the 2018 registration is still in progress and evaluation of existing substances and dossiers continues.

Moreover, added value potential lies also in ensuring high quality of data produced and collected for REACH. Clear and accurate information on safe use of chemicals and duly completed safety data sheets

are important for enhanced risk management and chemicals safety. Safety data sheets should be sufficiently detailed, while unnecessary complexity should be avoided. Enhanced communication and cooperation is thus necessary for the successful implementation of the REACH Regulation and better management of chemicals safety.

The importance of communication along the supply chain and the role of downstream users is also important and has already been recognized and is being addressed for instance by joint measures of Cefic, DUCC and ECHA to promote the utilisation of sector use maps. We are happy to see the industry and ECHA take steps to raise awareness and enhance communication practices and the chemical regions fully support such measures.

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