



ECRN Joint Position

**ECRN Amendments
regarding the Report of MEP Sacconi regarding the
proposal for a REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL concerning the
Registration, Evaluation, Authorisation and Restriction of
Chemicals (REACH), establishing a European Chemicals
Agency and amending Directive 1999/45/EC and Regulation
(EC) {on Persistent Organic Pollutants}**

29.04.2005

www.ecrn.net



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REACH Proposal
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The European Chemical Regions Networks supports the idea for a risk based and priorities system of registration.

This would provide a more effective means of obtaining the necessary data for a high degree of protection for people and the environment.

Additionally this would avoid overloading the REACH system with unnecessary testing of substance unlikely to cause harm and to protect the competitiveness of industry in Europe.

The chemical regions suggest improving the basic philosophy of the REACH regulation in the introduction of the regulation by introducing the following changes:

Commission Proposal	ECRN Proposal
(24) Requirements for generation of information on substances should be tiered according to the volume of manufacture or importation of a substance, because these provide an indication of the potential for exposure of man and the environment to the substances, and should be described in detail.	(24) Requirements for generation of information on substances should be tiered according to the degree of intrinsic risk and exposure.



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	(24a) The registration of substances should be carried out by starting with an obligatory pre-registration in the first 18 months after the regulation is in place. Followed by the preparation of an Information Set to be presented to the Agency in the following 5 year. Prioritisation should be carried out following a tiered risk and volume system over the following 6 years.

Commission Proposal	ECRN Proposal
	(49a) The Joint Research Centre should maintain its scientific role to the Agency.

Reasoning:

The ECRN member feel that also in the introduction of the Directive the essential philosophy of the new REACH system should be expressed. Furthermore the role of the Joint Research Centre towards the Agency should be highlighted.

Commission Proposal	ECRN Proposal
Art. 3	Art. 3

<p>(2) Preparation means a mixture or solution composed of two or more substances;</p>	<p>(2) Preparation means a specifically prepared or intentional mixture or solution composed of two or more substances.”</p>
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Commission Proposal	ECRN Proposal
<p>Art. 3 (14) Intermediate means a substance that is solely manufactured for and consumed in or used for chemical processing in order to be transformed into another substance (hereinafter called synthesis):</p>	<p>Art. 3 (14) Intermediate means a substance that is predominantly manufactured for and consumed in or used in chemical processing in order to be transformed into another substance (hereinafter called synthesis) either by or on behalf of its manufacturer or by other chemical manufacturers who purchase the intermediate for this purpose. That volume of the substance used as an intermediate shall be subject to the provisions of Chapter 4 and that volume sold for specific other uses shall be subject to the provisions of Chapter 2.</p>

Commission Proposal	ECRN Proposal
<p>Art. 3 14 (c) transported isolated intermediate means an intermediate not meeting the</p>	<p>Art. 3 14 (c) transported isolated intermediate means an intermediate not meeting the</p>



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criteria of a non-isolated intermediate and transported between or supplied to other sites;	criteria of a non-isolated intermediate and transported between or supplied to other sites; <i>whether or not ownership of the intermediate be transferred from one legal entity to another;</i>
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Reasoning:

Many of the substances produced by the Chemical Industry are used exclusively or predominantly as intermediates in the manufacture of other chemical substances or polymers. A chemical intermediate may be used within the same legal entity responsible for its manufacture and may also be sold to third parties as a raw material for conversion in their facilities. In either case, when used as a chemical intermediate the substance is manufactured and used professionally within the chemical industry under appropriate conditions to ensure human and environmental safety.

The ECRN welcomes the special recognition afforded to intermediates within REACH but feels this should be further clarified. Article 3.14 of the draft Regulation provides a definition for Intermediate which fails to recognise the situation where small quantities of the substance may be used in their own right. Thus, for example, if 10,000 tonnes per annum of a substance is used as an intermediate and 10 tonnes per annum is sold for a specialist end use then none of the substance would currently qualify as an intermediate.

The ECRN members note that Articles 3.14(i) and (ii) provide definitions for on-site isolated intermediate and for transported isolated intermediate. Article 3.15 defines Site as a single location, in which, if there is more than one manufacturer of (a) substance(s), certain infrastructure and facilities are shared. Neither 3.14(ii) nor (iii) make it clear whether transfer of ownership of the intermediate between legal entities is allowed. If this is not the case, then an anomalous situation would seem to exist



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where an intermediate transferred and used within a legal entity is subject to Chapter 4 whereas the same intermediate sold to another legal entity (i.e. placed on the market), either on the same site or at a distance, is subject to Chapter 2.

Commission Proposal	ECRN Proposal
Art. 3	Art. 3 (30) Chemical Waste is a substance or preparation arising during the course of chemicals manufacture for which there is no beneficial use and which has to be disposed of professionally in regulated waste treatment installations as provided in other legislation. Chemical Waste as defined above shall be excluded from the provisions of this Regulation.

Reasoning:

In contrast to the current legislation for chemicals control, the REACH proposals do not provide a general exemption for wastes. The ECRN believes there is a need to clarify the status of wastes in the Regulation and a definition of Waste is required.



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Commission proposal	ECRN Proposal
<p>Article 38</p> <p>Competent authority</p> <p>1. For the purposes of Articles 39 to 43, the competent authority shall be the competent authority of the Member State within which the manufacture takes place or the importer is established.</p>	<p>Article 38</p> <p>Competent authority</p> <p>1. For the purposes of Articles 39 to 46, the competent authority shall be the Agency.</p>

Reasoning:

The ECRN feels that it is necessary to strengthen the role of the Agency in implementing the REACH Directive.



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For more Information

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Notes for Editors:

ECRN: The “European Chemical Regions Network” has the objective to exchange experiences about the joint challenges for chemical regions and initiate a mutual learning for the strengthening of the chemical sector. Joint positions on relevant policy issues are developed to raise the regional voice in the European decision making process. The partner regions are Saxony-Anhalt as the coordinator, North Rhine Westphalia and Lower Saxony (GER), Huelva, Asturias and Catalunya (SPA), Lombardia and Piemonte (ITA), North East and North West of England (UK), Limburg (NL), Masovia (PL) and Ida-Viru (EST). Contacts to further chemical regions have been established to enlarge the network and become a stakeholder at European level. The total project budget is 1.639.000 €, 61% of which is funded by the European Union. More details about the ECRN can be found on its website at www.ecrn.net.

INTERREG IIIC is an EU-funded programme that helps Europe’s regions form partnerships to work together on common projects. These projects enable regions to share knowledge and experience that will help them develop new solutions to economic, environmental and social challenges. 98 percent of all European Union regions are involved in INTERREG IIIC projects. There are more than 250 INTERREG IIIC projects running involving 2500 local and regional actors from 50 countries; 20 percent of these are from new EU Members. More information on INTERREG IIIC can be found on www.interreg3c.net.