



## REACH REFIT MEETING ON 12 NOVEMBER IN BRUSSELS - CHROME TRIOXIDE AUTHORIZATION PROCESS EXPOSES REACH WEAKNESSES

Brussels, November 12<sup>th</sup>.

The REACH directive has now been a fact for 15 years. A lot of information about chemical substances has been collected and classified, which has resulted in the necessary legislation. The first major authorization process, chromium trioxide, has also been completed. Looking back, the general conclusion is that REACH has brought a lot to work in a safe and environmentally friendly way, but that it is also a very expensive and administrative burden for both the government and the companies. Time to think about possible improvements?

The improvements in REACH cannot be seen in isolation from the EU Green Deal and the EU Chemicals Strategy.

On November 12, 40 people were physically present in Brussels. In addition to people from DG GROW and DG ENV, there were people from NGOs such as Client Earth, workers' representatives from the trade unions and business representatives from industry associations. Of course CETS was also there on your behalf. The program consisted of a plenary part at the beginning (introduction) and the end (presentation of the results) of the day and in between 8 rounds of discussion on various themes in small groups. In addition to the physical attendees, about 300 people were also present online for the plenary part.

A voluminous document had been sent in advance in which several scenarios had been worked out. These scenarios are:

- REACH will remain as it is now.
- REACH basically remains the same, only simplifications are being implemented and possibly more consultation moments are created.
- Within REACH, the authorizations and restrictions are merged as a procedure.
- The authorizations are removed from REACH as a possibility, and only restrictions are then still possible.

It would go too far to give a summary now of all that has been discussed. But it is relevant to know that some points have been discussed. These include:

- REACH is important for stimulating innovation, but what is/will be the level of ambition?
- Should national governments be given the opportunity to also carry out national authorisations?
- The uncertainty about the outcome of the procedure is too great, the time consuming too much and the costs too high.

- The emphasis should be less on substitution. Now substitution is just about the holy grail, while many substances cannot be replaced (in the short term). The emphasis must be placed much more on working in a safe and environmentally conscious way. Exposure information should be much more at the beginning of the procedure rather than at the end.
- Innovation is not the same as substitution. And matters that have an effect on circularity (longevity) and climate (less CO2 emissions) must also be taken into account.
- A better distinction must be made between production substances and substances contained in the end product.
- There must be more coherence between REACH and other legislation.
- There should be less emphasis on the danger of a substance and much more emphasis on the risks associated with the use of a substance.
- The Level Playing Field should be closely monitored. In the EU, enforcement must be the same per country, and care must be taken to ensure that work does not take place (unsafely) outside the EU.
- The government should focus on "access to relevant data", and not on "gathering as much data as possible". And not every service has to develop its own format. Services are also not required to make their own additions to legislation.
- Waste and waste reduction through reuse should be facilitated, not discouraged.
- Which financial instruments are possible to stimulate this form of innovation?
- The "Essential Use" concept must be worked out in such a way that it is unambiguous and does not disturb the Level Playing Field.

Of course there has been a lot of discussion, and notes have been made by the DGs that will be taken into account in the further process. For the record, no conclusions were (yet) drawn at this meeting, only points for attention were mentioned. The next meetings are scheduled for March and June 2022, after which the draft text should be ready for comment by the end of 2022.

Meeting visit report made by: Egbert Stremmelaar (CETS/ION)