



ECRN Permanent Working Group

2 December 2012

REACH Review process – consideration from regional perspective

The new European REACH Regulation has been in force for more than 4 years. All involved actors have achieved their utmost to pass the pre-registration on 1 December 2008 and the first registration deadline on 1 December 2010.

The new European Chemical Agency (ECHA) in Helsinki is receiving a growing reputation due to its organisational and technical expertise - not only in the European Union- but also worldwide.

Every five years, foreseen under REACH, Article 117 (4), the Commission shall publish a general report on the experience acquired with the operation of the Regulation and the funding made available for alternative test methods.

The first Review shall be published by 1 June 2012.

In this context the European Chemical Regions Network launches several proposals that mainly address the regional needs in terms of REACH, considering the involved enterprises, the enforcement tasks by regional public bodies and an overall approach for future expertise.

The ECRN proposals concern:

1. The necessity of communication between ECHA and SMEs¹
2. REACH Helpdesks
3. Enforcement of a data bank on substance -related EU regulations
4. Chemical expertise in the future

¹ SMEs = small and medium enterprises

1. The necessary communication between ECHA and SMEs

The ECRN would like to draw more attention on the situation of SMEs and the need for better communication to a) understand the situation of the SMEs and b) support them in overcoming the new challenges posed by the second registration deadline on 31 May 2013.

The relevant enterprises are in majority small and medium enterprises without indoor expertise regarding neither to risk assessments nor registration procedures. Due to economic restraints they often can't afford extra personal doing the job. If they are members of chemical associations, help is provided, but if they are not full members, they need to seek for assistance and support from helpdesks or consultants. As the SMEs rely on this external assistance - and the continuance of their business activity can depend on it – they need trustworthy and reliable advices.

In the first registration-tranche registrants could fall back on trained industry experts in the SIEFs. The ECRN sees an urgent need for building up offers supporting SMEs with trained expertise along their branches and at their place in the regions.

Past experiences have shown that regional meetings organised in collaboration with regional stakeholder organisations deliver

- Knowledge of duties and different roles within the REACH system,
- Necessity of early collaboration and communication,
- Better understanding of REACH in tailor-made knowledge on the individual responsibilities,
- Capacity-building based on personal learning/workshops with REACH-experienced experts,
- Business confidence due to a high-level management of REACH,
- Better access to REACH in the own languages and within a familiar technical and legal framework (national regulations, technical regional provisions like waste-water ordinances in Germany).

ECRN wants to highlight the overall advantages and benefits of organising a regional series of workshops, offering cooperative learning, exchange of knowledge and mentoring with experts experienced in the first registration procedure.

Proposal:

The ECRN proposes to organize, with the support of ECHA, EEN and chambers of commerce preparatory meetings and workshops in ECRN regions with relevant SMEs.

2. REACH Helpdesks - workability

The REACH Regulation implemented National helpdesks (Article 124) as a tool and support for enterprises to forward questions and getting answers/help in time.

Beside the ECHA guidance and National helpdesks (stipulated in the REACH text) a variety of other “helpdesks”, often not free accessible, have been developed in the past years.

Proposal:

The ECRN asks ECHA to launch a study on “Overview on the workability, the customer-friendliness and measures for acceptance by users of helpdesks providing support on the REACH Regulation”

Help desks are also offered in other areas of EU activities (export, intellectual property rights etc.). The outcome of the study could be beneficial for setting up future helpdesk systems in a broader context.

3. Enforcement of substance related EU Regulations – development of a data bank

Enforcement of chemical EU Regulations are under responsibilities of Member States. With the REACH Regulation new enforcement procedures - Article 77(4) – were established that bring Member States enforcement authorities together in a formal framework, called “Forum”.

The new common approach delivered exchange of views among enforcement authorities and lead to a very good co-operation among experts. It's the first time that comparable results of EU wide enforcement activities are presented in a transparent way.² The actual enforcement activities, called REACH-en-Force 2, concentrate on downstream users.

The ECRN sees the harmonized enforcement activities on a good way of enhancing a structured/equal enforcement in all Member States. An extension of this approach on other substance-related EU legislation (i.e. biocides, pesticides) will be a support for regional enforcement bodies. This concerns the development for useful strategies, the education and information of experts. In discussions on regional budgets the amount of money for enforcements plays always an important role. Combined EU enforcement strategies on substance related legislation will strengthen the need for an ongoing stabilised budget line.

This approach needs a general substance-related data bank at EU level with all enforcement needs. It will be a key tool for local inspectors and should be set up at an early stage. Related data banks in several Member States can be used as a basic tool.

Proposal:

The ECRN will ask ECHA:

- To play a positive and active role for developing common enforcement strategies for substance-related EU legislation at the EU level,
- To start – at an early stage – to set up a data bank with enforcement needs for all substances in EU legislation.

² http://echa.europa.eu/reach_enforcement/enforcement_belgium_en.asp

4. Chemical expertise in the future

Due to the complexity of chemicals risk assessment and restriction procedures for human health and environment a high level of technical expertise is of utmost importance.

The reputation of ECHA and the general success for better health, a cleaner environment together with the competitiveness of European chemical industry with implementing the new REACH Regulation all this depends on the availability of a high degree of specific experts.

The latest data on demographic changes in industrialized chemical regions highlights the importance of implementing new policies on education of natural sciences³.

This concerns not only the budgets for education in technical colleges and universities of applied sciences and investments in new laboratories. Education has to start at an early stage in life, increasing interest and attractiveness of mathematics and sciences already in schools and kindergartens.

Some of the ECRN regions have already started already with best practices and good ideas, e.g.

- since 2010 the University of Pavia, Lombardy, offered a "Master of REACH"⁴,
- chemical societies in several Member States are very active⁵,
- a company approach "BASF Wissensfabrik"⁶.

Proposal:

The ECHA should encourage setting up a European project in this context. The overall attention for chemicals in combination with the European Chemical Agency needs a positive connotation.

ECHA could organize annual award ceremonies or competitions, promote internships at the agency, and offer grants for pupils, young students, and young natural scientists.

The ECRN offers to play a role as contact point at regional level to relevant chemical associations, chemical societies, relevant unions and NGOs.

³ <http://www.demographisinchemistry.eu>

⁴ <http://www.iivs.org/workspace/assets/events-assets/conference-intermaster-pavia-7-maggio-2011-english-2.pdf>

⁵ <http://www.euchems.eu/members/european-young-chemists-network.html>

⁶ <https://www.wissensfabrik-deutschland.de>