

Commission's Proposals for a REACH Revision – Comments from the pigments and fillers industry sector

We welcome the opportunity to comment on the proposals for the REACH Revision the Commission presented to CARACAL on 3rd April. In our view, all the changes presented pursue the approach set out in the Chemicals Strategy for Sustainability (CSS) and would further increase bureaucracy and harm the competitiveness for European industry.

This is in contradiction with the objective of simplification and reduction of reporting obligations that were stated in the mission letters as well as in the guidelines for the new Commission. An adjustment is urgently required to take into account the needs of the industry to be competitive in this new global political and economic situation.

Give the industry the freedom of movement it needs for sustainable transformation by maintaining the risk-based approach

Assessing solely the hazard rather than the risk when determining how to handle a substance will lead to an over-regulation of these substances, ignoring the capability to handle these substances safely. Many substances classified as hazardous are fundamental for European industry. Through technical and organizational measures, the industry has developed expertise in the safe handling of these substances. Simplistic restrictions based on the generic risk approach (GRA) would disregard this expertise. Especially with the announced extension of this approach, several important substances are at risk of being made unusable, even if there is no exposure in industry or to consumers.

The introduction of the essential use concept under REACH is another example of abandoning an already existing working system. Implementing this concept could become a red tape nightmare as it is open for fluid interpretation on what is essential and will require a case-by-case evaluation to check if the specific substance in the specific application is indeed essential. This is not feasible for either the industry or the authorities. Furthermore, it will limit diversity, cement the status quo, and hinder the development of safer and more sustainable products. Why take the risk of developing an alternative when a substance is considered essential for an application? Furthermore, as the assessment of what is considered essential is influenced by social norms, these can change over time. If a different area of application will be considered to be essential, then the EU will lag behind in its development.

Keep REACH clear and simple! Maintain the goal of reducing bureaucracy and reporting requirements

Only if manufacturers are given clearly defined, achievable goals in a manageable legislative framework, they will be able to work towards the set objectives. Otherwise, the process will not only create more bureaucracy but also hinder the advancement of the industry towards competitiveness.

The introduction of a polymer registration will blow up the scope of REACH. This will not only increase the administrative burden on companies as they will now have to gather and report

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information on a much larger number of substances than currently registered under REACH in total. Polymers are already indirectly addressed under REACH as the monomers used to manufacture them have been registered and they are also covered by the restriction on synthetic polymer microparticles. The authorities' workload will also increase, as they will have to check everything that has been reported and decide which polymers need to be examined more closely. The concept does not comply with the guidelines of the Commission to reduce reporting obligations but creates a bureaucratic monster vastly hurting the industry, especially SMEs. Instead of adopting new concepts, the implementation and effect of the overlapping regulations that have just recently been adopted should be evaluated.

Avoid chasing shadows at the detriment of companies

An obligation for downstream users to register nanoforms would lead to possibly millions of new registrations and would diverge from the current system as it is basically an article registration. This cannot be in the interest of the Commission. The resulting workload would again be enormous for both the industry and the authorities.

Apart from the fact that the analysis of nanomaterials in matrices or articles is considerably more complex and hardly manageable, especially for SMEs, these obligations are ineffective. Extremely high energy, beyond what is used in the manufacture of articles and mixtures, would be required to create a nanoform from a bulk form as a breakdown of the constituent particles to smaller sizes is needed. The splitting of agglomerates and aggregates does not lead to a new nanomaterial, as the material was already subject to registration based on the primary particles.

Conclusion

The proposals presented by the Commission will not reach the goals of reducing bureaucracy and improving competitiveness. On the contrary, the REACH revision outlined will mean much more bureaucracy, higher costs and uncertainties for European industry. It will lead to companies leaving Europe as it is impossible to remain competitive in today's political and economic situations.

The proposal undermines the already working and effective system established before. It introduces useless reporting obligations and makes processes unnecessarily complex. REACH already is the safest chemical regulation in the world, it is unnecessary to change its core of scientific risk assessment.

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Registration No. EU Transparency Register: 90219 263 4607-21

About Eurocolour:

Eurocolour e. V. is the umbrella association for manufacturers of pigments, dyes, fillers, frits, ceramic and glass colours, and ceramic glazes in Europe.

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