



Fecc
EUROPEAN ASSOCIATION OF
CHEMICAL DISTRIBUTORS

EU Consultation: Inception impact assessment on the revision of the REACH Regulation

European Association of Chemical Distributors (Fecc)

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Fecc acknowledges the inception impact assessment on REACH under the objectives of the Chemical Strategy for Sustainability (CSS). In this context we would like to raise the following points on behalf of the European chemical distribution sector, above all on behalf of the many SMEs we represent:

1. Environmental footprint information should consider an enforceable safety scheme. We support the Commission's objective to ensure that safety and sustainability information on CO2 footprint is available under the CSS for EU distributors. However, the third-country registration of environmental footprint presents information gaps as no monitoring scheme is established for substances outside the EU. Consequently, it places an additional strain on EU importers - especially SMEs - as they will be the ones responsible to monitor the regulatory compliance from non-EU manufacturers. This may also have an impact on the competitiveness of EU exports to non-EU countries as the additional costs may make the products uncompetitive.

2. The CSS is an opportunity for the Waste Framework Directive and REACH to be better aligned. Fecc is supportive of the target that the lack of clarity and gap between waste and product legislation may become less predominant, should regulatory harmonisation between Member States be enforced. Waste and by-products can be a tangible resource for safe products when managed well. However, the aim should be a Europe-wide initiative to prevent waste, to promote reutilisation and feasible applications and recovery processes that result in resources being reintroduced into the loop at their highest possible value.

3. Harmonised rules and its enforcement is paramount to strengthen REACH. Some materials (e.g. coatings, adhesives, sealants and elastomers) are subject to specific measures in certain Member States but not in others. This results in a discriminatory national preference on imports and distribution, and weakens the EU single market. The Commission should ensure parity between the national authorities, so that the same process applies to identifying non-compliance. This is also important when discussing the communication process in these supply chains because a harmonised process may lead to companies - particularly SMEs - to streamline the administrative process and regulatory checks.

4. A science-based identification of endocrine disruptors (EDs) incentivizes innovation and compliance. EDs have always been classified according to the available scientific evidence. Using the generic risk approach reverses the burden of proof from classification of a product to obligation of proving a product should not be classified. This also shifts the financial and administrative burden from authorities to industry.

Such an assessment will lead to:

- (1) The ED classification being treated as a 'guilty-until-proven-innocent' scenario,
- (2) Companies redirecting the focus to administrative checks rather than innovating compliant alternatives
- (3) A precedent for other substances to also be classified under a generic risk approach.

5. A pragmatic transition period to minimise production disruption is necessary when REACH is reopened. By reopening REACH, a new cycle of investments on studies for substances and polymers already registered must be performed with significant additional costs.

We request the Commission to consider that companies - especially SMEs - need a realistic timeframe to adapt to the regulatory changes that this impact assessment will bring. In this regard, regulators should:

- (1) Clearly communicate the timeframe and information changes on the safe and sustainable use of chemicals under the CSS
- (2) Support the integration of Exposure Scenarios for Communication (ESCOM)
- (3) Facilitate the Safety Data Sheet Communication (SDSCOM) procedures.

We look forward to working with the Commission to establish a coherent regulatory framework and ensure that the objectives on sustainability and harmonisation of CSS are achieved.

To access the Fecc's response on the EU Commission's website, please [click here](#).