



POSITION PAPER

Cross-industry recommendations for better regulation in chemicals management

18 March 2015

The undersigned organisations represent industry sectors that provide enabling technologies which contribute strongly to competitiveness, growth and jobs in the EU economy. We welcome the new European Commission's emphasis on strengthening Europe's competitiveness and President Juncker's first priority, "to put policies that create **growth and jobs** at the centre of the policy agenda of the [...] Commission". Establishing the right regulatory environment and promoting a favourable climate for entrepreneurship is certainly a matter of priority for businesses, both for major companies and for small and medium-sized enterprises (SMEs). Our organisations are very supportive of the **Better Regulation policy** in general and the REFIT exercise in particular, which ensure that the principle of proportionality, which is at the heart of the Commission's work, is respected.

To contribute to this policy drive, we would like to make suggestions for **regulatory fitness, introducing greater efficiency and proportionality in the field of chemicals management**. This would contribute to maintaining the competitiveness of European businesses in a wide range of strategic sectors while **fully meeting health and safety objectives**.

In recent years there has been growing concern about the effectiveness of applying the EU chemical regulation REACH's Authorisation scheme to **substances that are exclusively handled in the workplace**. In fact, the REACH Authorisation procedure has been considered for such substances despite the fact that there were no identified risks outside the workplace that would require further risk management measures. We believe that the authorisation should not be considered as the preferred option when **potential risks can be more effectively addressed by workplace-specific legislation**.

Such legislation, in our view, better addresses potential risks at the workplace as it also ensures the safety of employees working with intermediates (which fall outside the scope of REACH Authorisation). Opting for **REACH Authorisation would not add any layer of protection** where safety can already be established by applying occupational health and safety legislation, and by establishing a protective EU-wide occupational exposure limit (OEL). Furthermore, REACH Authorisation is significantly **more costly than compliance with protective workplace legislation**, given the costs for preparing the extremely complex application process and application fees. REACH Authorisation aims to increase the push towards substitution of substances. However, the replacement of carcinogens and mutagens and of hazardous substances is already foreseen, if feasible, under existing workplace legislation. Furthermore, for many concerned uses, neither suitable alternative substances nor technologies are expected to become economically and technically viable.

In the cases described above, REACH Authorisation could have a severe impact on the economies of Member States and put jobs at risk. Overregulation or disproportionate regulatory requirements can be very impactful on the **competitiveness** of EU businesses by threatening the continuity of supply, affecting their long-term investment security and possibly forcing them out of business or to relocate outside the EU. This would *inter alia* have impacts on production sites, Research and Development and the recycling sector, hence leading to unfortunate leakage

of skilled jobs, know-how and innovative investments outside Europe. Relocation is particularly likely where the regulated substance is not present in the produced goods and can therefore not be regulated upon import into the EU.

Furthermore, **concerned substances are often indispensable** enablers for key technologies, such as advanced materials, advanced production technologies and biotechnology, necessary **for major EU policies, including environmental objectives** (they for example contribute to the reduction of greenhouse gas emissions, clean air, renewable energy production and storage technology). It is of major importance for the EU to ensure that these primary policy objectives are fully taken into account in choosing the appropriate Risk Management Option. We would like to call for such a holistic approach, which would in our opinion be in line with the Commission's objective to overcome portfolio frontiers.

Referring to the Commission's Roadmap on Substances of Very High Concern, we would like to stress that **Risk Management Option Assessments (RMOAs)** are rightly aimed at identifying the best regulatory option to manage the risk "*either in REACH [...] or outside of REACH*". RMOAs carried out by Member States have already indicated that OELs do represent an **adequate and effective alternative risk management option**.

- We would **highly appreciate your support** for the choice of **protective EU-wide OELs** as the most adequate and effective risk management option where there is an identified need for further regulatory measures to address a potential risk which is limited to the workplace. We would also value your support in ensuring that in the described cases **no additional regulatory measures** (e.g. REACH Authorisation, Restriction or Candidate Listing) are applied to substances. This solution can directly be applied to those substances which are currently under consideration for risk management.
- In order **to ensure regulatory consistency and efficiency for future cases**, we would recommend the swift setting and/or reviewing of EU-wide OELs, so that once an RMOA identifies potential risks limited to the workplace, the most effective and proportionate risk management option – i.e. the setting of a protective EU-wide OEL – can be readily applied. This may well require further **strengthening the capacities for setting OELs**. Resources for the process of setting OELs could be increased and the process for setting OELs simplified. Furthermore, the legal basis for such action by the Commission already exists. You may therefore consider an **exemption** from authorisation under Article 58(2) of REACH to be applied to cases where the protective EU-wide OEL is put in place.

We look forward to cooperating with the Commission and other public authorities on this subject, as a positive move for ensuring the safe use of substances as well as Europe's competitiveness and employment.

Signatory organisations

European and global associations and platforms

ACEA – European Automobile Manufacturers' Association
ADCA Taskforce
AmCham EU
BeST – Beryllium Science and Technology Association
Cadmium Consortium
CDI – Cobalt Development Institute
CerameUnie – The European Ceramic Industry Association
CETS – European Committee for Surface Treatment
ChemLeg PharmaNet
CPME – Committee of PET Manufacturers in Europe
EAA – European Aluminium Association
EBA – European Borates Association
ECFIA – Representing the High Temperature Insulation Wool Industry
ECGA – European Carbon and Graphite Association
ECMA – European Catalyst Manufacturers Association
EDMA – European Diagnostic Manufacturers Association
EPMF – European Precious Metals Federation
Eucomed
EUROBAT
EUROFER
Eurometaux
Euromines
FEPA - Federation of European Producers of Abrasives products
Frit consortium
ICdA – International Cadmium Association
IIMA – International Iron Metallics Association
Ipconsortium
Lead REACH Consortium
Nickel Institute
PRE – The European Refractories Producers Federation
RECHARGE – European Association for Advanced Rechargeable Batteries

National associations

SEA – Surface Engineering Association
WVM – Wirtschaftsvereinigung Metalle (German Metals Trade Association)
ZVO – Zentralverband Oberflächentechnik e.V. (Central Association of Surface Technology)

Corporations

Colorobbia
DALIC
Esmalglass itaca
Ferro
Smalticeram
Vernis

About Us

European and global associations and platforms

ACEA – European Automobile Manufacturers’ Association

Contact: Dr-Ing. Tobias Bahr, Environmental Policy Director

ACEA represents Europe's car, van, truck and bus manufacturers, and works with a variety of institutional, non-governmental, research and civil society partners - as well as with a number of industry associations to ensure the economic environmental and social sustainability of the automobile industry.

ADCA Taskforce

Contact: Cornelia Tietz, Manager of the Taskforce

The Taskforce was founded in spring 2014 by EU Downstream users - only after candidate listing as no industry group existed for ADCA (EC 204-650-8 - CAS 123-77-3). It has currently 48 members (several non-EU manufacturers and many EU downstream users). The group commonly prepared the input to the public consultation on the prioritisation and has since been active on technical issues (exposure measurements, technical documentation, toxicological expertise) as well as awareness raising on the ADCA using downstream industries as such.

AmCham EU

Contacts: Stéphanie Brochard, Policy Officer for the Environment Committee;

Caroline Ciuciu (Albemarle), Rapporteur

The American Chamber of Commerce to the European Union (AmCham EU) speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €2 trillion in 2013 and directly supports more than 4.3 million jobs in Europe.

BeST – Beryllium Science and Technology Association

Contact: Maurits Bruggink, Director EU Affairs

The Beryllium Science and Technology Association (BeST) is a non-profit organization based in Brussels. BeST represents the suppliers of Beryllium in the EU market, as well as traders and industries who rely on the unique properties of beryllium to design for miniaturisation, energy conservation, greater reliability and longer product life. It aims to promote sound policies, regulations, science and actions related to the use of beryllium and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications. The members of BeST are: Materion Corporation, NGK Berylico, Schmelzmetall AG and Tropag GmbH. www.beryllium.eu

Cadmium Consortium

Contact: Christian Canoo, Secretary General

In the framework of a temporarily formal agreement, the Cadmium Consortium Members join forces in order to comply jointly with the requirements of the European REACH Regulation for Substances.

CDI – Cobalt Development Institute

Contact: Brigitte Amoruso, Advocacy and PR Manager

The Cobalt Development Institute (CDI) is a UI-based global non-profit trade association based set up by industry representing over 60% of the world-wide production of cobalt. The CDI supports the cobalt industry for the sustainable and responsible primary and secondary production, use, re-use, recycling and trading of cobalt in all forms.

Cerame-Unie – The European Ceramic Industry Association

Contact: Astrid Volckaert, Director Environment and Technical Affairs

Cerame-Unie is the voice of the European ceramic industry. This industry covers a wide range of products including abrasives, bricks & roof tiles, clay pipes, wall & floor tiles, refractories,

sanitaryware, table- & ornamentalware, technical ceramics and porcelain enamel. The industry generates over 200,000 direct jobs and a production value of €27 billion within the EU.

CETS – European Committee for Surface Treatment

Contact: Dave Elliot, President

CETS is an international federation of national associations engaged in the supply of technology, chemicals, and paint products to the surface treatment industry. Its purpose is to provide a scientific and engineering voice at the European Union on proposals for environmental, health and safety legislation.

ChemLeg PharmaNet

Contact: Sean McPike, Global HSE Consultant

ChemLeg PharmaNet is a group of 23 major pharmaceutical companies providing an informal network as a forum for discussion and exchange of information on compliance with chemical legislation particularly in the EU.

CPME – Committee of PET Manufacturers in Europe

Contact: Stephan Short, Chairman

The Committee of PET Manufacturers in Europe (CPME) is a European non-profit trade association based in Brussels. It represents all of the European PET resin producers who are collectively responsible for 3 million tonnes of production. The main European producers of Terephthalic Acid (PTA) - the major PET feedstock - are Associate Members of CPME.

EAA – European Aluminium Association

Contact: Sandro Starita, EHS Director

The European Aluminium Association represents the aluminium industry in Europe. It encompasses primary aluminium producers, downstream manufacturers, producers of recycled aluminium and national aluminium associations representing the manufacturers of rolled and extruded products in 18 European countries. Through environmental and technical expertise, economic and statistical analysis, scientific research, education and sharing of best practices, public affairs and communication activities, it aims to promote aluminium's contribution to sustainable development whilst maintaining and improving the image of the industry, of the material and of its applications

EBA – European Borates Association

Contact: Roger Doome, EBA Secretary General

The European Borates Association (EBA) is the Trade Federation representing the interests of the EU borates suppliers. Our membership covers more than 94% of the EU supplies of borates in the EU. EBA through its mother Association "IMA-Europe" coordinates the REACH registration dossiers of 8 borates substances.

ECFIA – Representing the High Temperature Insulation Wool Industry

Contact: Klaus Kamps, President

ECFIA represents all European manufacturers of high temperature insulation wools (HTIW). The core activities of the association are focused on disseminating science based health and safety information related to HTIW products and promoting recommendations for safe handling and use.

ECGA – European Carbon and Graphite Association

Contact: Corina Hebestreit, Director

ECGA is the Carbon and Graphite Industry's representative voice on all carbon and graphite industry's related issues.

ECMA – European Catalyst Manufacturers Association

Contact: Brett Pinker, Sector Group Manager

The European Catalyst Manufacturers Association (ECMA) comprises 18 leading companies involved in the manufacture of catalysts in Europe. Catalysts are used in a vast range of industrial applications including fine chemicals, refinery operations, edible oils, pharmaceuticals and polymers. They help reduce environmental emissions and production costs thanks to greater chemical process efficiencies.

EDMA – European Diagnostic Manufacturers Association

Contact: John Brennan, Director Regulations and Industrial Policy

European Diagnostic Manufacturers Association (EDMA) is an international, non-profit organisation representing the interests of the medical in vitro diagnostics (IVD) industry in Europe. Its mission is to promote the value of IVDs in delivering sustainable and effective public health systems, and provide technical, regulatory and market research information to its members. The European IVD industry is a market worth around €11 billion. Driven by research and development, 95% of the industry is comprised of small and medium size enterprises and approximately 1 billion euros per year is reinvested in R&D. EDMA is a member of MedTech Europe, an alliance of European medical technology industry associations. For more information, visit www.edma-ivd.eu

EPMF – European Precious Metals Federation

Contact: France Capon, Secretary General

The European Precious Metals Federation represents the interests of its member companies and national associations vis-à-vis the European authorities on several topics of relevance for the precious metals (PM) sector such as the safety of chemicals and waste management; access to raw materials, recycling and sustainability, including responsible sourcing; energy and climate change; trade, customs, tax and competitiveness; etc. (www.epmf.be)

Eucomed

Contact: John Brennan, Director Regulations and Industrial Policy

Eucomed is the European medical technology industry association. Its mission is to make modern, innovative and reliable medical technology available to more people. Eucomed represents directly and indirectly 25,000 designers, manufacturers and suppliers of medical technology used in the diagnosis, prevention, treatment and amelioration of disease and disability. Small and medium sized companies make up more than 95% of this sector. The market size is estimated at roughly €100 billion while around 8% of sales revenue is ploughed back into research and development. The industry employs more than 575,000 highly skilled workers. Eucomed is a member of MedTech Europe, an alliance of European medical technology industry associations. For more information visit www.eucomed.org.

EUROBAT

Contact: Rene Schroeder, EU Affairs Manager

EUROBAT acts as a unified voice in promoting the interests of the European automotive, industrial and special battery industries to the EU institutions, national governments, customers and the media. With 47 members from across the continent comprising more than 90% of the battery industry in Europe, EUROBAT works with stakeholders to help develop new battery solutions to issues of common concern in areas like e-mobility and renewable energy storage.

EUROFER

Contact: Ainara Urionabarrenetxea Eskurtza, Chemicals Policy Advisor

EUROFER is the industry association representing the majority of European steel manufacturers. The European steel industry produces on average 170 million tonnes of steel per year and has a direct employment of about 350 thousand highly skilled people. Closely integrated with the European manufacturing industries, steel producers provide the basic material for innovation, growth and wealth in Europe. Steel is 100 per cent recyclable and therefore contributes significantly to the conservation of fundamental resources. As a basic engineering material, steel is also essential in innovative technologies for more resource efficiency and sustainable development in Europe.

Eurometaux

Contact: Hugo Waeterschoot, REACH Consultant

Eurometaux, the European non-ferrous metals association, is composed of a wide network of companies producing, transforming and recycling non-ferrous metals in Europe. Our members also include national federations, and European and International commodity associations. Eurometaux's objective is to enable the entire value chain of the non-ferrous metals industry to prosper in the EU and contribute towards more sustainable societies.

Euromines

Contact: Corina Hebestreit, Director

Euromines is the European federation of mining representing 42 different metals and minerals and about 350000 jobs in Europe.

FEPA - Federation of European Producers of Abrasives products

Contact: Franck Verguet, General Secretary

FEPA represents the European Producers of Abrasives and Superabrasives: 220 companies, 17 countries, 8 national associations, € 3 billion turnover (2014) and 15,000 employees in EU. Abrasives and superabrasives cover a wide range of applications from industry (car, machinery, energy, air & space, shipyard, wood working, glass, high-tech) to construction and consumer markets (DIY). It is an innovative sector making things happen in other industries and making customers and the customers of their customers to become more sustainable, energy and resource efficient.

Frit consortium

Contact: Manuel Breva, General Secretary

The Frit Consortium is the association that groups the main manufacturers and importers of frits in Europe, and its objective is to ensure compliance with the requirements of the REACH Regulation in EU for all the member companies, as well as other regulatory requirements worldwide.

ICdA - International Cadmium Association

Contact: Mik Gilles, General Manager

The International Cadmium Association (ICdA) aims at being a worldwide forum for producers and users of Cadmium metal and its compounds; ICdA's primary objectives are to ensure market access for cadmium products while respecting the principles of sustainable development, including the protection of human health and the environment.

IIMA - International Iron Metallics Association

Contact: Ainara Urionabarrenetxea Eskurtza, Chemicals Policy Advisor

The International Iron Metallics Association (IIMA) provides a unified voice for the ore-based metallics industry. (IIMA) acknowledges the need for a measured transition to a low emissions global economy and recognizes that comprehensive and sustained actions are required to achieve this goal. Therefore, as a member of the World Steel Association (WSA) and the International Council on Mining and Metals (ICMM), IIMA will encourage its members to support the aims and goals of the environmental and climate change initiatives of these organizations.

IIMA, through the activities of its Environment Sub-Committee, will strive to summarize the international, national, and industry trends, policies, and procedures in order to inform and educate its membership at large.

Ipconsortium

Contact: Manuel Breva, General Secretary

The Inorganic Pigments Consortium is the association that groups the main manufacturers and importers of complex inorganic pigments in Europe, and its objective is to ensure compliance with the requirements of the REACH Regulation in EU for all the member companies.

Lead REACH Consortium

Contact: Aggie Kotze, REACH Manager

The International Lead Association is a membership body that supports companies involved in the mining, smelting, refining and recycling of lead. The ILA represents the producers of about 3 million tons of lead and almost two thirds of lead production in the western world. As secretariat to the Lead (Pb) REACH Consortium, ILA Europe (a regional branch of the International Lead Association) is acting on behalf of the Lead Registrants for several lead substances.

Nickel Institute

Contact: Dr. Veronique Steukers, Director, Health & Environment Public Policy

Nickel Institute is the global association of the world's primary nickel producers who together account for approximately 85% of worldwide annual nickel production outside China. Our mission is to promote and support the use of nickel in appropriate applications. NI grows and supports markets for new and existing nickel applications including stainless steel; and promotes sound science, risk management, and socio-economic benefit as the basis for public policy and regulation.

PRE – The European Refractories Producers Federation

Contact: Astrid Volckaert, Secretary General PRE

PRE, the European Refractories Producers Federation, is the representative organisation of the European refractory industry, located in Brussels. PRE is a member of Cerame-Unie.

RECHARGE – European Association for Advanced Rechargeable Batteries

Contact: Claude Chanson, General Manager

Mission of RECHARGE :

To promote Advanced Rechargeable Batteries as a technology that will contribute to a Sustainable Society, a Resource and Energy Efficient policy and to the achievement of a Green Circular Economy.

Membership of RECHARGE:

Includes suppliers of primary and secondary raw materials to the battery industry, rechargeable battery manufacturers, original equipment manufacturers, logistics partners and battery recyclers.

National associations

SEA – Surface Engineering Association

Contact: Dave Elliott, Chief Executive

The Surface Engineering Association (SEA) endeavours to be the voice that represents our members in areas surrounding legislation and government that affect our ability to produce and compete successfully in an increasingly competitive global market. We are very proud of the contribution that the UK treatment industries have made to current technology employed around the world and as an association, we work tirelessly to offer our members the very best advice and assistance in all aspects of their activities.

WVM – Wirtschaftsvereinigung Metalle (German Metals Trade Association)

Contact: Dorothea Steiger, REACH Manager

Wirtschaftsvereinigung Metalle (WVM) is a German Association, which represents the German Non-Ferrous (NF) metals industry towards politics and economy. We support our members in regulatory, occupational health & safety affairs in order to maintain and establish measures at a very high level. Today WVM has 660 member companies, including producers and processors of rare metals and compounds.

ZVO – Zentralverband Oberflächentechnik e.V. (Central Association of Surface Technology)

Contact: Dr. Saša P. Jacob, Technical Director

The ZVO started its work on 1st January 2000. Before, four organizations had represented the interests of the galvano technology for decades. In June 2014, the ZVO counted 131 direct corporate members, four trade associations as well as a technical-scientific association as its members. In total, the whole organization represents more than 450 member companies. The galvano and surface technology is a medium-sized industrial sector that currently employs about 440,000 people throughout Europe, of which about 50,000 employees work in Germany. The industry generates revenues of € 7.5 billion in Germany only.

The structure of galvano companies is dominated by SME's, only a small proportion of the companies reaches a size of more than 100 employees. The surface business is a key industry, which services are a prerequisite for the functionality of components, devices and machines of almost any other industry. Annually, the surface industry prevents corrosion damages of € 150 billion.

Corporations

Colorobbia

Contact: Alejandro Garabatos Sanz, REACH Technician

Colorobbia España and Colorobbia Italia are companies specialised in the production and distribution of raw materials and semi-finished products for the ceramics and glass industry. The [solutions](#) proposed by both these companies are able to satisfy the entire production process of each sector related to the industrial ceramics.

Both Colorobbia España and Italia have an active participation as members of the steering and technical committees in some of the most relevant European consortia on chemical substances. As European manufacturers and importers, Colorobbia España and Colorobbia Italia are totally affected by the REACH regulation; at the same time they have a firm commitment to compliance with the REACH regulation and they share the main goals of this European regulation, which are none other than to improve the protection of human health and the environment from the risk than can be posed by chemicals.

DALIC

Contact: Dr Sylvie Guibert-Claverie, REACH Coordinator

DALIC is a company specialized in selective, i.e. localized surface treatment applications without immersion in bath. These are a necessary process in all surface treatment sectors at production stage when only a limited area of a new component requires a treatment for modifying the surface properties or if a surface defect is detected (after the immersion process or subsequent operations like over-machining). Thus the scrapping of the part is avoided.

Esmalglass itaca

Contact: Paco Nácher, Information Management Director

Esmalglass-Itaca Group is internationally recognized as a pioneer company in the development of frits, glazes, pigments, inks and ceramic additives, providing a wide range of products with the highest quality and in full cooperation with each and every one of our customers.

Ferro

Contact: Francisco Hernández. REACH Responsible

Ferro is a leading, global producer of performance materials and chemicals sold to manufacturers worldwide. Ferro's core technologies are Particle Engineering, Color and Glass Science, Surface Application Technology and Formulation. Our customers represent more than 30 industries and span 100-plus countries. We have manufacturing facilities in The Americas, Europe/North Africa/Middle East and Asia-Pacific. We are a publicly-owned; our shares trade on New York Stock Exchange under the symbol FOE.

Smalticeram

Contact: Ovi Giuseppe, Administrator

Smalticeram Unicer S.p.A. is a colour company present on national and international market since 1970. Its legal and productive head office is located in the Ceramic District of Sassuolo (Italy) but the presence of the company in the international market is reinforced by partner branches located in the world's most important ceramic districts.

Smalticeram production is characterized by a wide range of products, such as ceramic frits, pigments, glazes and inks.

Vernis

Contact: Mari Carmen Segura, Technical Director

Vernis manufactures and markets frits, enamels and ceramic stains aimed at ceramics industry. Thanks to its technological advances, Vernis offers its customers a complete range of products that meet their specific needs and allow them to obtain a competitive finished product internationally. The position of Vernis within its area is characterized by three performance factors – high quality, quick service and strong technical support.