



FACT SHEET: The new EU chemicals policy REACH

The new EU chemicals policy, REACH, stands for *Registration, Evaluation and Authorisation of Chemicals* and has entered into force in June 2007¹. REACH is the first attempt of the EU as the first region in the world, to regulate chemicals in a coherent manner rather than taking a "substance by substance" approach. As a direct consequence, the new chemicals policy replaces some 40 existing pieces of legislation concerning chemicals on the EU market.

Step 1: Registration

Under REACH some 30,000 of the 100,000 chemicals on the EU market need to be registered and screened for their environmental and health effects. The chemicals REACH is concerned with are substances that are manufactured in the EU or imported into the Union, chemicals that are marketed on their own or in preparations and consumer articles, as well as those used as intermediates. A registration needs to be submitted for substances starting with an annual production volume of 1t. The entire registration process is tiered according to the annual production volume and mandates that the highest production volumes are registered first. This aspect of the registration procedure takes into account that production volume of a chemical is an indicator of the likelihood of environmental and human exposure to this chemical.

One of the cornerstones of REACH is the *no data, no market principle* which requires that producers deliver data on the chemicals they produce and what impacts they can have on human health and the environment. A producer (and importer) who does not register his chemical cannot sell it on the EU market. REACH also reverses the *burden of proof* away from authorities and back on to industry. Under REACH companies are actually required to demonstrate that the use of a certain substance is safe.

Hazardous substances such as pesticides, biocides and chemicals used in cosmetics, food and medicines are excluded from REACH as they are covered by different and specific legislation in the EU.

Step 2: Evaluation

Once a registration dossier has been compiled, the evaluation phase sets in. Evaluation has two primary aims: 1) checking the registration dossier for completeness (*dossier evaluation*) and 2) scrutinizing the content information submitted with the registration (*substance evaluation*). Both tasks will be performed by the European Chemicals Agency (ECHA). ECHA is based in Helsinki, Finland and responsible for overseeing the administration and implementation of REACH.

Step 3: Authorisation

An authorisation, a permit, will be required for a company that wants to produce or use hazardous chemicals, which are defined in REACH as *substances of very high concern*.

Substances of very high concern as identified by REACH are:

- **PBT:** Persistent (do not break down), **Bio-Accumulative**(accumulate in animals and human body fat) and **Toxic**
- **vPvB:** very Persistent and very Bio-accumulative
- **CMRs:** Carcinogens (cause cancer), **Mutagens** (change DNA) and **Reproductive toxins** (cause damage to the foetus or miscarriages)

- substances causing “*probable serious effects*” like hormone disrupting substances (**EDCs: Endocrine Disrupting Chemicals**)
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PBT, vPvB, CMRs (for which no threshold can be established) and other substances with “*probable serious effects*” need to be substituted if a safer alternative is available. In such cases the applicant for an authorisation needs to submit a plan which outlines how and by when he intends to replace the particular chemical with the safer alternative (a substitution plan).

Unfortunately, CMR chemicals for which a so-called “safe threshold” can be established do not have to be replaced by safer alternatives, even if those are available. This means that producers of such chemicals can continue to sell them in the EU. Therefore, it is very likely that such substances will also in the future end up in everyday consumer goods.

Consumer’s Rights

REACH also strengthens consumer’s rights to toxic-free products. Firstly, the legislation ensures that companies, upon request, pass on information to consumers about high concern chemicals in everyday consumer products. Secondly, information about the health and safety of chemicals registered under the REACH regime will be made available to the public on the website of the new Chemicals Agency.

Implementing REACH- an important task for the new European Chemicals Agency

The REACH system will be “managed” by a new European Chemicals Agency (ECHA) based in Helsinki, Finland. The Agency is responsible for the collection of the registration dossiers, checking them for their completeness and to conduct their evaluation. Together with member states, the Agency will supervise the evaluation of substances and the authorization procedure. It will be the Agency’s task to assess which chemicals match the criteria for chemicals of very high concern and to grant the permits for the use of a substance of very high concern. A major novelty is that environment and health NGOs have one seat, albeit without voting rights, in the Agency’s management board, which oversees the activities of ECHA.

REACH certainly is an important step towards a toxic-free future. In fact, it is the most advanced chemicals policy scheme in the world and will contribute to better protection of women and future generations from hazardous chemicals. But REACH also contains many serious loopholes and legal uncertainties which make it less effective and less efficient than it needs to be. Therefore, the implementation and further development of REACH needs to be carefully monitored in order to prevent any further weakening of the legislation.

WECF, November 2007

ⁱ Full text can be downloaded from: <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/1976/L/01976L0768-20051125-en.pdf>