

Meeting with Essential Use coalition

When: 4 June 2021, 09:45

Where: Microsoft Teams

Participants

Essential Uses Coalition:

[REDACTED] - EUROFER
[REDACTED] Nickel Institute
[REDACTED] Eurobat
[REDACTED] - Pvthin
[REDACTED] - Vereniging Industrieel Oppervlaktebehandelend
Nederland (ION)

Commission:

Kristin Schreiber, director GROW F

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- The Essential Use Coalition underlined the importance of hazardous substances for uses in a very wide range of products, including for products which can promote the objectives of the Green Deal.
- In their view, essential use assessment in a wide range of products and throughout whole supply chains would be a lengthy and potentially bureaucratic process, creating uncertainties for industry
- Applying generic approach to restrictions automatically and in a too wide area might be counterproductive for sustainable development (e.g. durability, circularity, energy and climate aspects)
- They considered that there was a need to exclude safe uses (where there is no risk) from the scope of such restrictions. Otherwise this could lead to banning safe products if they are not considered essential.
- They presented a flow-chart showing how in their view the practical application of the essential uses concept could work

- They supported the use of Regulatory Management Options Analysis (RMOA)
- They asked about the Commission's discretion in the future restrictions to set the scope of such restrictions and whether there would be a scientific assessment by ECHA's committees and public consultations.
(Details see attached presentation)
- The Commission services explained the reasoning for the extension of the existing generic risk approach to further hazard classes and uses.
- They underlined that within the generic risk approach there needs to be a differentiation between substances and mixtures on the one hand and articles on the other hand, which might not all be addressed in the same way and at the same time. Also, not every use would undergo a separate essential use assessment.
 - One of the purposes of the essential use concept is to facilitate the derogations for harmful chemicals, so that they can be used when essential to society, in particular to achieve the Green Deal goals.
- An effective, efficient and practical way of integrating essential use considerations into decision making will be needed, taking into account the experience from the current system already in REACH and similar existing systems (existing generic restrictions for CMRs in REACH, RoHS, Toy Safety Directive etc). The discussion is still at an early stage and many details will need to be worked out. The Commission explained the next steps in the discussion and in the legislative processes to revise REACH and other legislation in which the concept will also be integrated. They also recalled the ongoing work by five Member States on a restriction of PFAS substances in all except essential uses.
- The future REACH authorisation and restrictions system, including the way authorisations/derogations will be granted, is also part of the planned REACH revision. It is difficult to predict the exact operation of the restriction and derogation system in future. However, it is clear that there will be some sort of scientific assessment by the Commission and/or ECHA prior to proposing future restrictions and in particular for derogations from such restrictions.