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President EU Competitiveness Council
Under-Secretary of State for Science and
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Brussels, 25 November 2005

Draft Regulation for Registration, Evaluation and Authorisation of Chemicals (REACH)

President,

In view of your further proceedings on the above-mentioned directive, ORGALIME¹ calls upon you to strive for a well-balanced and well-defined REACH proposal, which would integrate environment, growth and jobs for our downstream user industries that compete on global markets.

While our industry is fully committed to the safe use and handling of chemical substances, ORGALIME considers the following guiding principles and ways forward as fundamental for a REACH system that would be workable for downstream users. These must in our view be fully secured in the future REACH regulation:

1. Science based and workable authorisation requirements

ORGALIME strongly opposes moves towards a general obligation to “substitute” and present “substitution” plans and strongly insists on application-specific time limits for authorisation, if any. We therefore call upon you not to follow proposals of the European Parliament that aim at introducing such, in our view, disproportionate and far too burdensome requirements into REACH.

In contrast, industry needs as flexible as possible authorisation procedures, which would be fully based on sound scientific assessment and allow a case-by-case consideration of lead-times and product cycles, particularly within the framework of articles 55(1) and 57(6) REACH.

2. Introduction of use and exposure categories

ORGALIME supports the European Parliament's proposal to base information in the supply chain on use and exposure categories rather than single uses only in order to prevent downstream users from being forced to disclose confidential business know how.

We therefore invite you to follow this route of introducing use and exposure categories into the legal text of REACH, and complete it where necessary, such as in the relevant article 34 REACH².

¹ **ORGALIME** as the voice of European Engineering Industries represents **3 industrial branches** (metalworking, mechanical engineering and electrical engineering) that manufacture over **27% of total EU manufacturing output** (initial estimates set the industry's output at 1235 billion euro in 2004) and has **35 member** trade federations in **23 European countries**. The industry not only represents more than one quarter of the output but also a third of the exports of the EU's manufacturing industries.

3. Proper approach regarding “Substances in articles”

ORGALIME is highly concerned about the potential trade implications coupled with possible disruptions in our supply chain related to the foreseen requirements on substances in articles on our industry since the manufacture of engineering products in Europe is highly dependent on “just in time” flows of hundreds of millions of components, which are to a large extent sourced outside the EU. It is necessary to remember that our industry, as one of the principal manufacture exporter competing on growth markets, is extremely sensitive to all elements affecting its competitiveness.

While we acknowledge the commitments of the UK Presidency, Member States and the European Parliament to find a proper solution regarding the complex issue of “substances in articles” we clearly feel that at present no satisfactory solution has been found which is enforceable, while preserving our competitiveness. Recent proposals for extended communication and information obligations rather add on additional red tape. Besides, our industry is subject to a substantial body of product specific legislation including the recently adopted “eco design of energy using products directive”. This directive obliges producers of such final articles to consider environmental aspects, including substance aspects, over the life cycle of the product and establishes far-reaching information obligations.

Our industry therefore cannot see the need for duplicating these specific product related, WTO compliant requirements on the same products with critical and unenforceable requirements established under the REACH proposal and request energy using products should be exempted from article 6 REACH.

In conclusion, with the increasing complexity and speed of the debate in the European institutions, ORGALIME is highly concerned that further compromises would significantly disturb the balance the REACH system, in particular to the detriment of downstream users. In our view, any first reading agreement should pave the way for a quality piece of legislation, rather than opting for an ambiguous compromise solution at high speed that would open up a Pandora’s box of additional complications rather than iron out the already significant number of uncertainties existing in the present proposal.

We thank you for considering our fundamental recommendations when shaping Europe’s future chemicals legislation and remain available for any further information that you may require.

Yours sincerely,

Adrian Harris
Secretary General
(electronically signed)

Cc: Mr. John Grant, Permanent Representative
Mrs Anne Lambert, Deputy Permanent Representative
Mr. Antony Vinall, Counsellor
Mr. Owain Service

² In this respect, ORGALIME supports the **former amendment 147 of the EP’s Internal Market Committee.**