

E U R O P E A N E C O N O M I C A R E A

S T A N D I N G C O M M I T T E E

O F T H E E F T A S T A T E S

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EFTA WORKING GROUP ON TECHNICAL BARRIERS TO TRADE

**COMMENTS BY THE EEA EFTA STATES ON THE EU STRATEGY FOR A
FUTURE CHEMICALS POLICY**

I EXECUTIVE SUMMARY

The EEA EFTA States in general support the Commission White Paper on the strategy for a future chemicals policy (COM (2001) 88) as stated in the EEA EFTA Comments of 31 May 2001. The Council Conclusions and the European Parliament Resolution of June and November last year, however, call for some further comments from the EEA EFTA States

In the opinion of the EEA EFTA States, the most important of the discussed modifications is the question of whether to include the PBT¹ and vPvB substances² in the authorisation scheme. Because these substances are persistent and accumulate in the environment and our bodies, a “safe” level in the environment cannot be established. These substances should be included in the authorisation system and a cessation of their emissions should be the ultimate goal.

The EEA EFTA States are still prepared to contribute actively in the preparatory work with the future chemicals policy and to participate in the future work of a Central Entity, as well as any planned network.

II GENERAL COMMENTS

1. The EEA EFTA States reiterate the importance of a chemicals policy based on the use of the precautionary principle. Future legislation should be based on this principle.
2. The proposed REACH system, as supported by Council and the European Parliament, will entail knowledge regarding chemicals, their properties, exposure and their risk to man and the environment. This will enable the substitution of hazardous

¹ Persistent, Bio-accumulative and Toxic chemicals

² very Persistent, very Bioaccumulative chemicals

substances with less hazardous ones. The substitution principle should, therefore, be laid down as a general principle in the future chemicals legislation.

3. The new system must be an effective instrument to promote sustainable development and contain measures which avoid delays, or lack of decisions. It is important that the responsibility concerning Registration and Evaluation is imposed on industry, but it is at the same time essential to ensure an appropriate quality standard of this documentation. The future legislation must include instruments to ensure a high quality of the risk assessments and evaluations from industry. Necessary sanctions and control mechanisms should be established.
4. Harmonised classification and labelling should be extended to include environmentally hazardous substances, together with CMR properties. Sensitising properties are also of high concern and should be included in the harmonised classification list. Development of new in-vitro test methods to this end is crucial and should be given priority.
5. The authorisation scheme should focus on environmentally hazardous substances, as well as on the most threatening substances for human health. The EEA EFTA States strongly support the Council Conclusions to add PBT and vPvB substances to the groups of substances of very high concern that will be subject to authorisation as soon as the necessary criteria for their identification are established. For PBT and vPvB substances, a "safe" level in the environment cannot be established and their continued use, in particular for open applications, or in relation to wide dispersive use, is incompatible with sustainable development. The authorisation scheme would therefore be the appropriate risk management instrument for PBT and vPvB substances and termination of their emissions should be the ultimate goal.
6. Because the new strategy concerns legislation that falls within the scope of the EEA Agreement, it is of great importance for the EEA EFTA States that they participate in the work of the central entity. The central entity could preferably be established as an independent agency.
7. To be able to implement the REACH system into an effective system for managing chemical risks in the EEA area, it is necessary to increase the amount of resources allocated to chemicals management - in industry, in the central entity and in the authorities of the EEA Member States.

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