



Environment Friday 19 August 2005

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Published: Thursday 4 August 2005 | : Friday 5 August 2005
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Chemicals debate coming to the boil in the autumn

In Short:

After two years of heated debates and controversy, MEPs and lobbyists are gearing up for a decisive clash as the draft REACH bill makes its way through Parliament in a first reading vote.

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- [Chemicals Policy review \(REACH\)](#)
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Background:

Before 1981, chemical companies did not have to formally produce safety data for their products before they were allowed onto European markets. Authorities could place bans or restrictions on chemical products only when they could prove they were unsafe to human health or the environment.

The proposed REACH regulation would require health and environmental assessments for more than 30,000 chemicals and substances. It proposes reversing the burden of proof from the authorities to the companies. In future, the idea is that companies would have to provide health and safety data for each one of these products or substances.

Issues:

The autumn will be a decisive period for the draft EU chemicals regulation with the Parliament voting, possibly in late October, over what has already been described as the biggest lobbying battle in EU history.

A great deal of ammunition has already been used by both sides - mainly environmental groups pressing for strict controls and industry howling for more flexible and workable solutions - leading many to believe a major redraft of the bill to be highly unlikely.

Still, there is always some degree of uncertainty with every Parliament vote and predictions are rife over where each one of the 732 MEPs will choose to stand.

In Parliament, a head on confrontation is currently brewing between the EPP-ED and their German rapporteur Hartmut Nassauer MEP and the Group of European Socialists, supported by the Greens and former communists of the GUE.

At the heart of issues remaining for debate are SMEs which have focussed most attention in the last months. Those opposing the regulation claim REACH would be too costly and burdensome for small companies who

produce chemicals or use them as a crucial part of their production processes (so-called downstream users).

Positions:

The **Socialists** have a clear advantage as their representative, **Guido Sacconi MEP** (Italy), is reporting for the **Environment Committee**, which was designated as the leading Parliament Committee on the REACH regulation.

Revealing his strategy before the summer break, Sacconi claims he put forward proposals that address SMEs concerns that REACH would be too costly for small companies and, eventually, drive them out of business.

His proposals include making data available to SMEs free of charge 13 years after REACH enters into force (instead of 11) and enabling the Commission to review the directive after six years, to cater for the lower-volume chemicals still awaiting testing (EurActiv, [15 July 2005](#)).

Industry at the time described Sacconi's proposal as "a good start" but said it did not resolve concerns from bigger producers of chemicals concerning patent protection. "If companies cannot protect their production secrets, there is a problem," said a representative of the European Chemical Industry Council (**CEFIC**).

Eight other committees are set to give their opinion on the draft but surely the most influential will be the **Internal Market Committee** and its rapporteur, **Hartmut Nassauer**.

The German MEP already made his position heard in May when he unveiled proposals to improve the workability of REACH in a series of amendments that would have companies test chemicals according to the risks they pose to health and the environment, as opposed to the volumes imported or produced (EurActiv, [9 May 2005](#)).

The **Greens** have [criticised](#) Nassauer and the EPP for being the mouthpieces of the chemicals industry. But on Nassauer's side will be numbers. With 268 members, the chamber is clearly dominated by the centre-right EPP-ED Group. By comparison, the Socialists - the second largest group in the European Parliament -, only have 200 members while the Greens and GUE having 42 and 41 respectively.

In this context, the position of the 89 liberal-democrat MEPs of the **ALDE Group** is likely to be decisive. The opinion from ALDE **Rapporteur Lena Ek MEP** (Sweden) for the Industry Committee, could therefore weigh heavily in the balance. Ek declared that she favoured a "targeted approach where only chemicals of reasonable concern are tested."

In a [public statement](#), ALDE cites the "justified concerns by industry about the workability, the costs, the efficiency and the protection and stimulation of R&D" but said protecting human health and the environment was also important.

In the meantime, there will be no shortage of discussion with fervent **lobbyists** from every allegiance manoeuvring in the broad light of day and behind the scenes in a last attempt to influence the way MEPs will vote.

Such moves started early in July when environmental campaigners at **Greenpeace claimed** Enterprise and Industry Commissioner Günter Verheugen was out to sabotage REACH by effectively limiting its scope to just 6% of chemicals. But they were not followed by other NGOs such as the WWF who thought the Greenpeace allegations only reflected the usual tensions between the Commission's Enterprise and Environment Directorates.

For its part, the **chemicals industry** has continued raising earlier concerns that REACH would prove too burdensome on small companies in terms of the resources and expertise needed to register chemicals. Commenting on the results of a 'real life' exercise jointly held with the Commission and member states on how REACH would work in practice, **CEFIC said** the tests showed the proposal would not work if it is not amended (EurActiv, [8 July 2005](#)).

The organisation maintained its plea to base registration priority based on the level of danger posed by chemicals rather than on volume, saying this would clearly contribute to a successful implementation.

The European **SME association UEAPME**, who also took part in the tests, said they only confirmed their initial concerns that smaller companies will be hardest hit by REACH. "From the outset it has been clear that the REACH proposal would have a disproportionately damaging effect on small businesses, not only manufacturers and importers, but also the large number of downstream users," said Guido Lena, UEAPME Director of Environmental Policy. UEAPME underlines the need to support data sharing among firms and involve downstream users more actively.

In a recent [interview](#) with EurActiv, the **EU Enterprise and Industry Commissioner Günter Verheugen**, said he was confident discussions on REACH were nearing conclusion. "Let's try to find workable solutions. I have

discussed it very often with the different groups in the Parliament, with the other stakeholders, and I think we are coming closer and closer to a consensus."

After two years of heated debates, Verheugen views the current situation as already being "much calmer than it was". Why? "Because industry itself produced an impact assessment that shows clearly that the figures used in the past were - to say the least - a little bit exaggerated."

"In terms of costs, REACH is not 'that monstrem', as it was described," Verheugen told EurActiv. "In principle, I strongly believe that we need the regulation. We are living with thousands and thousands of chemical substances every day, and we don't know the effects - I think it's important to know that."

Latest & next steps:

- **4 October 2005:** Parliament's Environment Committee vote on REACH (Rapporteur: Guido Sacconi). Eight other committees give opinions only
- **26 October 2005:** Tentative date set for Parliament plenary vote (other likely date is 16 November)
- Commission then retains the right to reject some EP amendments and submit the text to EU ministers at the Competitiveness Council
- **28-29 November 2005:** Competitiveness Council possible political agreement
- **First quarter 2006:** Possible final approval of REACH regulation

Links

Official Documents

- EUR-Lex: [Proposal concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals \(REACH\) COM\(2003\) 644 final \[FR\] \[DE\] \(29 Oct. 2003\)](#)
- Parliament: [Draft report on REACH by Guido Sacconi \(25 Feb. 2005\)](#)
- Parliament: [Notice on REACH by Hartmut Nassauer \(7 April 2005\)](#)
- DG Enterprise: [The new EU chemicals legislation - REACH](#)
- DG Enterprise: [Why do we need REACH? \(15 Sept. 2004\)](#)
- DG Environment: [REACH](#)

EU Actors positions

- CEFIC: [Cefic welcomes publication of SPORT report \(5 July 2005\)](#)
- CEFIC: [SPORT: Making REACH work in practice - Key recommendations \(5 July 2005\)](#)
- UNICE & CEFIC: [Industry concludes from impact assessment study that solutions are within reach \(27 April 2005\)](#)
- WWF: [SPORT conclusions: REACH works! \(5 July 2005\)](#)
- UEAPME: [SPORT results confirm SMEs hardest hit under REACH proposals \(5 July 2005\)](#)
- Alliance of Small and Medium-Sized Enterprises: [SMEs are adamant: Objection!](#)
- Greenpeace: [REACH under attack \(1 July 2005\)](#)

Political Groups

- EPP-ED: [REACH- "Risk-based approach has to be basis for data requirements". Hartmut Nassauer \(4 May 2005\)](#)
- Greens-EFA: [EPP position on REACH draft opinion - Conservatives exposed as mouth-pieces of the chemical industry \(4 May 2005\)](#)