Chemicals: classification, labelling, packaging, adaptation to the REACH Regulation (amend. Directive 67/548/EEC)

2003/0257(COD) - 20/12/2004

The Council held a policy debate on a draft Regulation and a draft Directive on registration, evaluation, authorisation and restriction of chemicals (REACH) and establishing a European Chemicals Agency.

The debate was aimed at providing general guidance for further work. At the end of the debate, the Presidency summarised as follows:

- As regards the Workshop on REACH Impact Assessment held in The Hague from 25 to 27 October 2004, the President noted that the Council welcomed the conclusions and recommendations and instructed its preparatory bodies, in cooperation with the Commission, to take account of them in their future work. The Council stressed the importance of avoiding unnecessary testing on animals and underlined the need to improve the protection of human health and the environment while ensuring the competitiveness of the European chemicals industry, in particular of SMEs.

- On priority-setting in registration, the importance of examining further options in this field was stressed, in particular by addressing substances of very high concern at an early stage. The necessity to explore workable, cost-effective solutions providing sufficient flexibility, while not overburdening the registration phase and providing a level of certainty for industry, was underlined. With this in mind, delegations considered it appropriate to explore a possible extension of priority-setting in the registration phase with the inclusion of potential PBTs and vPvBs.

The Council noted that a risk-based approach, whilst difficult to apply at registration, might be appropriate for subsequent phases of REACH and that should be further analysed. There was general recognition of the need for flexibility, ensuring that in the future appropriate priority is given to emerging or new concerns.

- The need to regulate substances in finished articles was recognised by some delegations but doubts were expressed as to the workability and the effect on competitiveness of the Commission’s proposal in this field.

Some concern was expressed regarding the registration of dangerous substances intended and/or likely to be released from articles. It was considered to focus on articles containing substances of very high concern in the early stages of REACH.

Concerns were also expressed regarding EU produced articles that might suffer competitive disadvantages compared to importers of articles into the EU. The Council noted the idea of professional customers' "right to know"with regards to dangerous substances in articles as well as a possible role for the Agency in making relevant information available.