Registration, evaluation, authorisation and restriction of chemicals (REACH); European Chemicals Agency

2003/0256(COD) - 17/10/2005

The Council held a policy debate on the draft regulation and directive concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), and establishing a European Chemicals Agency, with a view to preparing the ground for a political agreement on the dossier at the 28-29 November meeting of the (Competitiveness) Council.

The REACH proposal for a new chemicals policy in the EU seeks to ensure a high level of protection of health and the environment while sustaining a competitive, innovative and jobcreating European industry and the proper functioning of the internal market.

The debate was particularly aimed at indicating whether the broad approach taken by the Presidency in its efforts to find a compromise takes adequate account of the views expressed in earlier Council discussions. It further dealt with 2 questions relating to substances in articles:

– Should substances intended to be released from articles be subject to a specific regime or should they be treated as any other substance or preparation?

– Should the requirement to notify potentially dangerous substances in articles be based on the presence of substances of very high concern or should there be, in addition, a consideration of exposure?

At the close of the discussion, the Presidency summarised as follows:

"Overall, the Presidency is encouraged by the positive response to the compromise proposal and the constructive contribution of all delegations. This debate has taken us an important step closer to achieving agreement on this dossier in November.

It appears to the Presidency that there is a broad consensus developing around the Presidency compromise and a recognition that the Presidency has struck the right balance between reducing the impact of the proposed Regulation on industry whilst maintaining a high level of protection of human health and the environment.

Quite a number of delegations stressed the importance of not shifting this balance further in the direction of reducing information requirements. It is important that the Regulation does indeed deliver the required benefits from having more information on chemicals.

Several delegations stressed the need to avoid transferring responsibility away from industry to public authorities. The Presidency considers that this would not preclude that the Agency could be involved in assisting industry decisions.

A number of delegations stressed the importance of a strong authorisation regime not least in encouraging substitution as much as possible.

It seems to the Presidency that there are a number of delegations in favour of a specific regime for substances intentionally released from articles.

The Presidency notes that a number of delegations would favour bringing these requirements into line with those for substances on their own or in preparations, particularly by including substances which are not already known to be dangerous.

It appears to the Presidency that there is broad consensus around its proposal to notify substances of very high concern where they are present in articles.

The Presidency notes that this would not preclude the possibility of an exemption from the notification requirement where exposure to humans and the environment can be excluded.

The Council instructs the Permanent Representatives Committee to examine the issues discussed in greater detail with a view to preparing for a political agreement on REACH at the next session of the Competitiveness Council at the end of November 2005."