

## **Establishing chemicals legislation**

# **Possibilities for a non-EU country to align its legislation to CLP-REACH**

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Ref: EC-alignment possibilities, CLP-REACH, Expert review from the perspective of non-EU countries, Tunis 2012

## Why align to CLP-REACH?

Take advantage of what is already done and will be done  
(Let the EU “do the job”)

Facilitate for industry, investors and trade

Have rules that work better since they are rules which are  
the same or similar in other countries

# Aligning to CLP-REACH

## Three main working components of CLP-REACH

1. Obligations on industry **to generate knowledge and develop risk communication in the supply chain** (Chemicals safety assessment, the identification of uses, exposure scenarios)
2. Obligations on industry **to disseminate the adequate information** (Classification, labelling, safety data sheets)
3. Community regulatory action **to restrict the access to certain substances and groups of substances** of very high concern / deemed to be particularly dangerous (Bans & restrictions; Authorisation)

## Aligning to CLP-REACH

The rules on Chemicals safety assessments, the identification of uses, exposure scenarios and communication in the supply chain - are difficult to transpose

But you could make them known to exporters

- and you could find "light versions" (like the Chemicals safety report has been introduced by the Serbian chemicals law)

# Aligning to CLP-REACH

CLP-REACH is a system designed\* for the EEA market

Supply chains are more complete in the EU than in an individual country. Actors in the chain are largely under the jurisdiction of the European Community law

It is not made for the single state with its narrow national economy, downstream chemicals production and internationally dependent trade

In the single state of a normal size, its supply chains almost always cross borders. Often the supplier or the downstream client - or both – are seated outside the country

\* Note: The aim and the idea of REACH are explained in the Commission's white paper "Strategy for a future Chemicals policy" COM (2001) 88 final

## Aligning to CLP-REACH

CLP-REACH is a system designed for the EEA market (cont..)

- Joint resources can be used for regulatory action and procedures (classification list, candidate list etc)
- Risk communication, exposure scenarios and risk management could address many downstream users of chemical substances and mixtures throughout the whole area of the market
- Costs of industry could be effectively shared and diluted among the actors in the supply chains through the price mechanism
- Chemical test data can be shared and used among the many chemical manufacturers, importers and downstream users

# Aligning to CLP-REACH

**4. Make it binding for mixtures**

**3. Make C&L and SDS binding for substances;  
Consider the Classification list**

**2. Possibly make GHS the national standard?  
Consider to include what CLP adds or changes**

**1. Make Classification, Labelling and SDS  
known to industry**

# Aligning to EC-restrictions

**4. Align to the further REACH restrictions**  
**- Use optimal periods of transition before they enter into force**

**3. Restrict "phasing out substances" – arsenic, asbestos, benzene etc ; and CMRs in consumer chemicals**

**2. Implement RoHS-restrictions**

**1. Implement conventions: POPs, ozone eaters, Hg.**  
**Consider the EC-implementations of the conventions**



## Aligning to CLP-REACH

A national authorisation system of your own, working in parallel to the EU

- would lead to heavy costs for administration ; and
- could cause increasing differences between your legislation and the EC-legislation

But you could introduce the EC Candidate list as an “Observation list”  
- and you could introduce the obligation for the supplier of articles to inform when an article contains any of these substances

# Aligning to CLP-REACH

If your aim is a close alignment, it would

- not be possible to introduce national decisions in parallel with REACH on bans, restrictions or authorization of the placing on the market or use of substances (REACH Titles VII and VIII), and
- not be possible to take decisions contrary to the EC Classification list (CLP Annex VI)

## Aligning to CLP-REACH

Note that the way the system places obligations on industry is decisive for how the system works

CLP-REACH is founded on the obligations of the manufacturers and importers

Your system will be different in the way it works if obligations between administration and industry are shared in another way than in the EU

**Thank you for your attention**

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