EFCC comments to 53rd CARACAL

Replies to the questions raised during the exchange with ENV and GROW Directors

Brussels, 28 01 2025

EFCC provides the following replies to the questions raised by DG ENV and DG GROW Directors during the exchange of views with ENV and GROW Directors on the outlook for the next College of Commissioners in the area of EU chemicals policy.

Question 1:
In which REACH processes can administrative burdens be effectively reduced, particular for SMEs, without harming the protection level?

- We invite the Commission to keep the promise made to **reduce reporting obligations** by 25% and not to introduce new reporting requirements (e.g. uses and exposure from DU) under REACH especially for SMEs .

- The registration process can be improved by **adopting strategies**, like phased and targeted dossier updates (guided by a clear roadmap) instead of requiring the updating of all dossiers simultaneously.

- The complexity and volume of **Safety Data Sheets (SDS)**should be reduced
    - Introduce standardized SDS/eSDS formats and machine-readable formats that can also be utilized for other legislative requirements, such as the DPP.
    - Reestablish easy-to-understand Safety Data Sheets to improve downstream communication and adapt the eSDS requirements based on practical reality checks.

- Do not introduce **additional administrative burdens** like
    - Polymers registration – the introduction of the registration of polymers would put significant administrative and financial burden on industry. Even the notification with providing information on chemical description and volumes, companies would need a significant amount of time to gather this information

    - MAF – A blanket MAF would have significant negative impacts on formulators and SMEs without providing additional health benefits. Substances that would exceed the risk cap are either not covered by REACH (e.g., pharmaceuticals, pesticides) or are already banned. Any changes to

REACH should be science-based rather than blanket measures, as such changes would jeopardize both industry and innovation.

Question 2:
How can we balance streamlining authorization and the restriction processes with maintaining health and environmental protection?

- **Maintain distinct and complementary processes:**
  Authorization and Restriction processes should remain separate yet complementary, ensuring clarity in purpose and execution.

- **Risk-based and science-based approach:**
  Risk management under REACH must primarily be risk-based and science-driven. Regulatory actions should follow these principles to effectively protect human health and the environment.

- **Regulatory predictability and realistic timelines:**
  Predictability is essential for industry. Sufficient and realistic transition periods for compliance are necessary to ensure the effective functioning of the authorization and restriction systems.

- **Regulatory roadmap to avoid overlaps:**
  Introduce a regulatory roadmap or mapping to clarify which chemical uses fall under which regulation (e.g., worker safety under OSH rather than REACH) and prioritize regulating uses where actual risks exist. This approach would avoid double regulation and focus resources on the most problematic substances.

- **Specific vs. generic restrictions:**
  The use of specific restrictions under Article 68(1) of REACH should be maintained for EU-wide unacceptable risks. Meanwhile, a generic risk management approach under Article 68(2) should apply solely to consumer uses.

- **Prior consultation on restriction proposals:**
  Prior to submitting a restriction proposal, an exchange between the Commission and Member State authorities should take place to ensure that the proposal is well-justified and effective.

- **Exempt intermediates from restrictions:**
  Intermediates used in chemical processes should be exempt from being banned via restrictions, recognizing their unique and controlled nature.

- **Flexibility for derogations:**
  Provide more flexibility for granting derogations in the application of restrictions, enabling the consideration of specific use cases and industry needs without compromising safety.

Question 3:
From your perspective, what steps can we take to ensure the revised REACH is future-proof for the next 20 years?

- REACH already sets the highest safety standards worldwide. To ensure its future relevance:
  - Quality should take precedence over speed in any revision process. Decisions must not be rushed, with thorough involvement of the affected industry and **comprehensive impact assessments**.
  - The proven concept of scientific risk assessment and selecting the most suitable risk management options based on this concept must be preserved.
  - Any proposed changes or new concepts should undergo extensive impact assessments, including evaluations of their impact on competitiveness, with the active involvement of stakeholders, including industry.

Question 4:
How can information gaps be addressed in the revision of REACH to enhance risk management while supporting industry's competitiveness?

- Establish a mandatory and **formalized system for information gathering** that includes the active involvement of all stakeholders, including downstream users. This will help overcome data gaps and ensure that relevant data is collected for specific regulatory purposes.
- Assess the potential **impacts on industry competitiveness** to balance risk management improvements with maintaining a competitive business environment.

Question 5:
What measures do you think would help ensure a level playing field between EU manufacturers and imported products as well as consistent implementation across the EU?

- **Strengthen enforcement authorities and enhance border controls** in Member States to ensure compliance checks for imported products against existing regulatory obligations.

Question 6:
How can we improve the enforcement of REACH? Are there specific tools or approaches you believe would improve collaboration between MS and ECHA on enforcement?

- Provide regular **training and support** for permitting authorities in Member States to improve their capacity to enforce REACH effectively.
- Encourage better collaboration between MS and ECHA by developing tools, platforms, or mechanisms that facilitate consistent communication.

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EFCC, based in Brussels, is the European Federation for Construction Chemicals and is the European Association representing over 70% of the companies and national federations working in the Construction Chemicals Industry in Europe. The European construction chemicals market was valued at €15 billion in 2020. Construction chemicals are mainly used for speeding up the work in construction projects that are under development or in new projects to improve the overall sustainability of the building or construction.

Construction Chemicals are all those chemicals that are used in the construction industry, from admixtures for concrete to mortar systems, flooring applications, sealants & adhesives, waterproofing systems, anticorrosion agents and many other additives & solutions aimed at improving performance, durability, energy efficiency and the overall sustainability of construction and buildings.

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