



for a living planet[®]

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Enterprise & Industry
The European Commission
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1049 Brussels.

Commissioner Potočnik
Environment
The European Commission
200 Rue de la Loi,
1049 Brussels.

10 March 2010

Dear Commissioners,

Our eight organisations are writing to you jointly ahead of your visit to the European Chemicals Agency in Helsinki on 25 March. We believe this initiative to jointly visit the Agency demonstrates your strong commitment to the REACH legislation.

We would like to use this opportunity to reiterate our concerns regarding three crucial implementation issues that are still unresolved. This delay has hindered the progress of REACH in the last years.

First, on the important comitology decision on the PBT criteria (REACH Annex XIII), we would like to refer to our detailed letter to the Commission on this issue from 5 December 2008. In our view, the Commission has so far ignored expert advice from Member States, scientists and NGOs to ensure that **all** relevant information is considered in the PBT/vPvB identification. Instead, the Commission's proposal from 2008 does nothing to change the criteria, which rely on a set of narrow laboratory test methods and fail to address the problem of increasing contamination of people and wildlife with persistent, bioaccumulative and toxic chemicals. This effectively means that the majority of substances with these properties will probably remain unidentified during registration.

Amending the PBT criteria according to our proposal is not only crucial for protecting health and the environment but also for ensuring long-term legal certainty for companies, whose assessments may otherwise be challenged by Member States in the context of authorisation. Moreover, the quality of the REACH PBT criteria will also have important implications for other EU legislation and for consistency with international chemicals agreements, including the Stockholm Convention on Persistent Organic Pollutants.

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Director General: Mr James Leape
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Second, we continue to deplore the lack of progress on the REACH candidate list. More than two years after entry into force, the candidate list only contains 29 officially recognised substances of very high concern compared to 478 substances identified by a group of Member States as meeting the official REACH criteria and the 356 substances on the NGO SIN List 1.1 (“Substitute it Now!”). At this slow pace, the listing of substances of very high concern alone will take decades, not to mention the subsequent implementation of authorisations and restrictions. This would perpetuate continued chemical exposure for wildlife and people and negate the incentive for innovation and substitution. We urge you to dedicate more resources to speed up the substitution of substances of very high concern, including hormone disrupting substances.

Third, we remain concerned about the delay in starting the authorisation procedure. Since June 2009, the Commission has not taken action on the seven prioritised substances of very high concern recommended by ECHA. This is, again, simply unacceptable. We urge the Commission to proceed with the formal comitology adoption procedure without any further delay. REACH aims to ensure that the risks from substances of very high concern are properly controlled and that suitable alternative substances or technologies progressively replace them. Therefore, in all cases, substitution plans should be a key element together with the analysis of alternatives since authorizations will be subject to time-limited review and are subject to specific conditions.

We ask you to ensure that the Commission’s decisions on the outstanding REACH issues will replace hazardous chemicals in the interest of protecting human health and the environment, while encouraging European companies to innovate and start using safer alternatives.

In view of the public interest in this matter, we intend to make the contents of this letter more widely available. Thank you for your attention to the matters raised in this letter.

Yours sincerely,



Tony Long,
Director, WWF European Policy Office.

On behalf of the following organisations :

- Centre for International Environmental Law
- ChemSec
- CHEMTrust
- European Environmental Bureau
- Greenpeace
- Health & Environment Alliance
- Women in Europe for a Common Future