



Ms. Elżbieta Bieńkowska, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs
Mr. Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries

European Commission
Rue de la Loi 200
B- 1049 Brussels

Brussels 20 May 2015

RE: European NGOs call on the European Commission to lift the de facto moratorium on processing Substances of Very High Concern for authorisation under REACH

Dear Commissioner Bieńkowska, dear Commissioner Vella,

We, the undersigned human health and environment public interest groups, write to urge you to lift the *de facto* moratorium on the inclusion of substances of very high concern (SVHC) in the list of substances that will be subject to authorisation under the European chemicals legislation (REACH Annex XIV).

The REACH authorisation process was designed to address the most dangerous substances in order to effectively protect human health and the environment. Hence, authorisation aims at progressively phasing out SVHCs whilst unleashing the innovation potential of European businesses for developing safer alternatives.

It is widely acknowledged that the authorisation process works properly for the applicants, as concluded at the conference on "Lessons learnt on Applications for Authorisation" organised by the Commission and the European Chemicals Agency (ECHA) in February 2015. This conference showed broad agreement on the significant benefits already created by the authorisation process, such as stimulating the development of safer substitutes and sustainable innovation, the improvement of the risk management measures by companies applying for the continued use of SVHCs, and wider public access to information.

However, since August 2014, the Commission has stopped adding more substances to Annex XIV – originally with the rationale (as stated in several public fora) that it was focusing on improving the authorisation process and most recently in order to consider socio-economic elements before presenting a proposal for amending Annex XIV. This decision to halt the process was not well founded and was neither made in a transparent way, nor discussed with competent authorities. The Commission services told us the decision is based on the claims of some industry stakeholders that authorisation is expensive, burdensome, unpredictable and complex – although these claims disregard the harm caused by the use of SVHCs in Europe as well as the interests of companies who prioritise sustainability and the development of safer substitutes.

Since then, the Commission has not included 12 SVHCs recommended by ECHA to be included in Annex XIV, but has failed to act on them to date. This “freezing” of the process prevents REACH from achieving its core goal to ensure that the risks from SVHCs are properly controlled and that these substances are progressively replaced by suitable alternative substances or technologies where these are economically and technically viable (REACH Article 55).

According to the Executive Director of ECHA, Geert Dancet, overall application costs have fallen already by 30% in the relatively short period since the authorisation process was started with the inclusion of the first

substances in the authorisation list in 2011. He called upon the Commission to resume its preparations for including recommended substances to the authorisation list.

We support Mr Dancet's request to the Commission to resume work on listing Annex XIV substances for authorisation. We also see no reason to doubt that the authorisation system is working for the applicants. We believe that the process should continue without further delay as this moratorium impedes the long-term benefits of the authorisation process for innovation, public health and the environment.

The Commission's failure to act means that European citizens and the environment are still unnecessarily exposed to these 12 dangerous substances. The Commission is accountable to the European public for protecting citizens and the environment from hazardous chemicals and should act without delay, whilst promoting innovation of safer chemicals and products to ensure a resilient economy.

Therefore, we the undersigned organisations call on the Commission to both reactivate and speed up the inclusion of SVHCs in the REACH authorisation list and to achieve their substitution as foreseen by the REACH legislator. We ask the Commission to transparently communicate when it will restart a full implementation of the authorisation process.

Yours sincerely,



Jeremy Wates,
Secretary General of the European Environmental Bureau

On behalf of:

European Organisations:

ClientEarth

ECOS – European Environmental Citizens Organisation for Standardisation

HEAL – Health and Environment Alliance

EEB – The European Environmental Bureau

WECF – Women in Europe for a Common Future

EU National Organisations:

CHEM Trust, United Kingdom

Ecologistas en acción, Spain

IEW – Fédération Inter-Environnement Wallonie, Belgium

Quercus – National Association for Nature Conservation, Portugal

The Cancer Prevention and Education Society, United Kingdom

CC:

Mr. Karl Falkenberg, Director-General, DG Environment, European Commission.

Mr. Daniel Calleja Crespo, Director-General, DG Enterprise and Industry, European Commission.

Competent Authorities for REACH and CLP (CARACAL)

Mr. Geert Dancet, Executive Director, European Chemicals Agency (ECHA)

In view of the public interest in this matter, we intend to make this letter publicly available.