

# Chemicals control legislation

## *What are the implications of the REACH proposal for the downstream oil industry?*

**T**he future of chemicals control in the EU (under which petroleum substances are regulated) has been under discussion for several years. Following the EU Commission's White Paper on a Strategy for a Future Chemicals Policy (February 2001), the Commission issued its formal legislative proposal for a Regulation on REACH (Registration, Evaluation and Authorisation of Chemicals) on 29 October 2003. REACH is intended to provide a new framework for the control of chemicals in the EU, replacing the Existing Substances Regulation, the Dangerous Substances Directive, the Dangerous Preparations Directive and the Limitations on Marketing and Use Directive. REACH will introduce a fundamental paradigm shift in the traditional roles that authorities and industry have assumed. In contrast to the existing EU chemicals regime in which responsibility lies with the authorities to demonstrate that a chemical poses a risk to human health or the environment, under REACH responsibility will be shifted from the authorities to industry to demonstrate that a chemical can be handled safely without endangering human health or the environment.

The aim of this article is to summarise the legislative status and key elements of the Commission's proposal, activities CONCAWE has undertaken on behalf of its members to prepare for REACH, and suggestions for how member companies can begin to prepare to meet their obligations under REACH.

### **Legislative status**

The Commission's legislative proposal for a regulation on REACH is now with the EU Parliament and the EU Council. In the Parliament the Environment Committee will have the lead role, and in the Council the Competitiveness Council will assume the lead. An ad-hoc Council working group with representatives from both the Competitiveness and Environment Councils was formed in spring 2004 to assist the Competitiveness

Council. Although discussions are under way, the Council has indicated that it is unlikely a common position will be agreed before the second half of 2005. The EU Parliament is expected to begin its first reading of the proposed Regulation during autumn 2004.

To assist industry and regulatory authorities in meeting their responsibilities under REACH, the Commission launched an Interim Strategy in February 2004 to develop guidance documents on the practical implementation of REACH. The Interim Strategy will run until Q1 2006. Based on the Commission's current timeline, REACH would come into force Q2 2006. However, based on the status of discussions in the Council and Parliament, it is unlikely that this deadline will be met.

At this point in time, neither the precise details of the REACH regulatory text that will emerge from the legislative process, nor the date at which it will come into force are known. Consequently, it is not currently possible to understand fully the impact that REACH will have on CONCAWE member companies. Although the detailed requirements may change, there are nevertheless three fundamental building blocks for REACH which are likely to remain and which will provide the overall framework for the future control of chemicals in the EU. These are Registration, Evaluation and Authorisation.

It is important to realise that REACH will impact not only upon manufacturers and importers of chemical substances (i.e. imports from outside the EU), but also on downstream suppliers and users, as well as producers and importers of preparations and articles. Member companies are likely to find themselves in more than one of these categories and will need to be aware of their obligations under REACH. It is also important to recognise that, once adopted, this Regulation will apply to the EU-25 and be implemented on one date rather than needing to be adopted into National legislation.

# Chemicals Control Legislation

**Brendan G. Carr**



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