

Speaking for European Engineering

The European Parliament and the Council have launched the first reading on the Commission's proposal for the Registration, Evaluation and Authorisation of Chemicals (REACH) of 29 October 2003. Orgalime would like to provide its key messages to the institutions.

1. Who is ORGALIME?

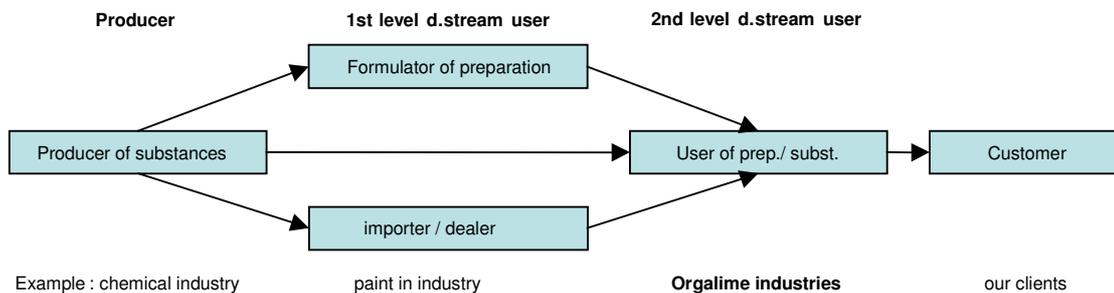
Orgalime speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic and metalworking industries of 23 European countries. These industries employ some 7 million people and account for 1175 billion euros of annual output, which is a quarter of the EU's output of manufactured products and a third of the manufactured exports of the European Union.

2. Why is ORGALIME concerned about REACH?

As supplier of investment goods to all other industries and final products to consumers, we play a major role in the economy, both in the internal market and on global markets. We are also a major client of the chemical industry, using a variety of substances and preparations, such as paints, sealants, cleaning products, galvanic fluids, hydraulic fluids, lubricants or solvents, in our day-to-day business. We therefore constitute **a major downstream user industry**.

The availability of substances, when manufacturing engineering products in Europe, remains one decisive factor for our industry's capacity to operate and innovate in Europe.

Though the Commission consulted stakeholders via Internet prior to the adoption of its proposal – and Orgalime voiced its concerns at the time- we feel that the specificities of “*second* level downstream users”, who *use*, but *do not produce* chemical substances or preparations, have to our mind not been given sufficient consideration to date.



3. What are ORGALIME'S key recommendations?

We would like to encourage the European institutions to shape the REACH proposal in a way that any REACH obligation or requirement would fully mirror the different roles and responsibilities of the different individual actor of the supply chain to realize the objectives of REACH, to which our industries are fully committed, in an efficient and effective manner:

- A harmonised approach at a global level is necessary to prevent our European companies from being at a competitive disadvantage both, at home and export markets, when faced with engineering products manufactured outside the EU.
- We also support a harmonised approach at European level and suggest establishing a strong centralised agency, also for the evaluation phase.
- Clear, broad and simple exposure and application categories should replace the concept of “identified use” to avoid yet more unnecessary administration and superfluous paperwork. This would help to protect European IPR and to reduce the time spent by skilled people, such as engineers, on administrative tasks.
- EU Chemicals’ policy should aim at keeping an as broad as possible variety of substances available. If a substance can no longer be made available, then sufficient time should be allowed to find alternative solutions, which would not compromise the functionality of the final product. Finding a substitute is not always easy and often costly (e.g.: for R&D investment, material substitutes or investment in new process equipment).
- The information passed on in the supply chain needs to be harmonised, simple, straightforward and operational to ensure the REACH objectives of effective protection of human beings and the environment.
- Neither waste nor basic raw materials for the metal industry should fall under the scope of REACH.
- Substances in articles should be out of the scope of REACH given WTO obligations and existing specific product related legislation for engineering products (e.g.: RoHS, WEEE, Draft EUP, Batteries, End of Life Vehicles directives, etc.)¹.
- REACH should also not overlap with other legislation, such as occupational health and safety or specific environmental legislation (e.g.: General product safety, Machinery or IPPC directives)².
- Finally, the REACH legislation should not follow a tonnage-based, but establish a risk-based priority system following the explicit criteria of intrinsic toxicity as well as exposure.

Thank you for your support!

Brussels, 19 October 2004

¹ Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic appliances (RoHS) of 27 January 2003; Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) of 27 January 2003; Draft proposal for a Directive on establishing a framework for the setting of eco design requirements for energy using products (EUP) (COM (2003) 453 final)/(COD 2003/0172); Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing dangerous substances; Directive 93/86/EEC adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances; Directive 98/101/EC adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances; Proposal for a directive on batteries and accumulators and spent batteries and accumulators of 21 November 2003 (COM (2003)723 final)/(COD 2003/0282); Directive 2000/53/EC on end-of life of 18 September 2000.

² Directive 2001/95/EC of 3 December 2001 on general product safety; Directive 98/37/EC of 22 June 1998 on the approximation of the laws of the Member States relating to machinery; Proposal for a Directive on Machinery and amending Directive 95/16/EC of 26.01.2001 (COM (2000) 899 final); Amended Proposal for a Directive on Machinery and amending Directive 95/16/EC of 11.2.2003 (COM (2003) 48 final); Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) of 24 September 1996.