

# 3 STEPS TO SUPPORT ECHA COMMITTEE EXPERTS

**Applications for authorisation are submitted in a way that severely complicates the work of the SEA committee experts. To facilitate the work of SEAC, ChemSec urges ECHA and the Commission to consider three changes to the process:**

- 1. Include a wider perspective on costs and benefits in the socioeconomic analysis.**
- 2. Require applicants to specify the use and function of chemicals in more detail.**
- 3. Make procedural changes to smoothen the process.**

## ► REASONS FOR CHANGES

Applications for authorisation often lack important pieces of information. They frequently contain excessive non-essential information or are unspecific about the actual use of the chemical. In addition, the overall quality of some applications is low (missing calculations, data based on assumptions rather than real-life data, etc.).

Under such circumstances, how can SEAC be expected to produce opinions in line with the intent of REACH – which is not to grant authorisation if there are suitable alternatives and technologies that are economically and technically viable?

## ► DETAILED SUGGESTIONS

### 1 **Include costs and benefits for alternative providers and users in the socioeconomic analysis**

If the socioeconomic analysis (SEA) just takes the applicant's perspective into account, it is not a SEA, it is an analysis of the implications for the applicant. The impacts of authorisation on the whole market need to be considered, including alternative producers who might benefit from a rejected application. Moreover, the impacts on companies that have already substituted the SVHC in question by making substantial investments, which lead to a more expensive product, also need to be taken into account. Such companies will have a competitive disadvantage if their competitors can maintain a lower price by avoiding investment in substitution if authorisation is granted.

Possible ways to include a wider perspective on costs and benefits:

- Include economic impacts, costs and benefits for alternative producers and users.
- ECHA to allocate resources to find alternative producers and to actively encourage and guide these in the process of replying to the public consultation and taking part in the dialogue meetings.
- Invite non-industry experts with a knowledge of the applicants' market, uses and alternatives to SEAC meetings.
- Appoint a SEAC co-rapporteur to represent the views of alternative providers in the discussions.
- SEAC and ECHA to meet with relevant alternative providers one-on-one to allow trustworthy and honest discussion without competitors and clients present (as in the dialogue meetings).
- Improve the format of the public consultation to make it easier for both producers and users of alternatives to give input on alternatives.

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## 2 Develop a matrix for uses and functions to be used in upstream applications

All uses applied for in an application need to be well defined to allow identification and assessment of possible alternatives. If this information is not included in the applications this task is impossible.

ChemSec has prepared a format suggestion for ECHA to consider. The format aims to clarify what uses are actually being applied for, to enable SEAC to properly assess if there are viable alternatives. For example “functional chromate plating” is too broad a definition to determine what uses are being applied for and whether there are available alternatives. Additionally, alternative techniques should be given the same weight as chemical substitutes.

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## 3 Make procedural changes to smoothen the process

There are a few procedural changes that would make the process less burdensome for all stakeholders involved in the authorisation process, especially for members of the SEA Committee.

### ► Broaden conformity check – include quality indicators

An authorisation shall be granted only if the application is made in conformity with the requirements of Article 62.

- Reject applications if uses covered by the application are not specified in detail.
- Reject applications if information has not been adequately referenced and documented.

### ► Limit on text quantity

Having to read hundreds and hundreds of pages for just one application creates a lot of frustration and wastes

resources. A page limit would not only remedy this, it would most likely improve the proportion of relevant information as well. In accordance with this, ECHA’s guidance documents should have a page limit to facilitate the work of the committees, applicants and other stakeholders.

### ► Reduce confidentiality to a minimum

This would make it easier for alternative producers to comment on the specific uses and processes. It would also facilitate the estimation of costs for the society in some cases.

### ► Allow observers to comment on specific authorisation cases

Much more knowledge regarding alternative producers and substitution could be obtained this way.