

Advancing Chemical Strategy for Sustainability (CSS) commitments through comitology and better implementation: Priorities

What?	How?	Expected benefits?
Ensure fundamental information on critical hazards		
Stepwise introduction of information requirements for all most harmful substances as defined by C(2024) 1995 final, incl. • CMRs, • EDCs, • PBTs, vPvBs, • PMTs, vPvMs, • neurotoxicants and immunotoxicants Ensure that full characterisation for all most harmful substances is obligatory starting at one ton per year (Annex VII)	Comitology: Annexes	• Implement the high level of protection reflecting the state of science • Implement the no data no market rule • Generate information to realise the benefits of the new CLP hazard classes. The implications of EDCs not being identified alone, are substantial. Health-related societal costs from endocrine disrupting chemicals range from €46-288 billion per year (CLP Impact Assessment, 2022). • Enable prioritisation of substances for risk management, thereby enhance predictability • Enable communication in the supply chain, thereby enabling downstream users to substitute and lower economic risks for their businesses and seize circular economy business models
Adapt the scope of the chemical safety assessment (e.g. Section 6.5 of Annex I) to the effect that it covers all most harmful substances	Comitology: Annexes	• Clarify registrants' legal requirement to adequately control risks linked with e.g. EDCs, PMTs/vPvMs, neurotoxicants and immunotoxicants • Reduce costs and administrative burden on authorities when preparing the restriction dossier • Foster implementation of a high level of protection
Ensure that risk assessment addresses chemical cocktail effects		
Introduce a mixture assessment factor in Annex I of REACH in the derivation of the no effect levels / concentrations	Comitology: Annexes	• Implement the high level of protection reflecting the state of science by providing a safety margin for combined effects of chemicals. The risks posed by real-world, daily exposure to multiple chemicals are currently systematically excluded from the assessment. • Acknowledging the consensus that cocktail effects do exist, MAF is simpler and more cost-effective compared to testing all possible combinations of substances
Incentivize compliance with registration obligations		
Clarify Article 22(1) by defining a 2-year interval for the duty to update the registration	Comitology: Implementing legislation	• Foster compliance of registration data • Facilitate enforcement by defining the moment from which “without undue delay” applies
Transparency about names of companies found non-compliant	Change in practice	• Overcome current lack of incentive to be compliant • Foster fair competition / level playing field among registrants

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Enforce sanctions with equivalent effect to revocation of persistently non-compliant registration (e.g. suspension of operation)	National level (facilitated by Forum)	Foster right of public to access to environmental information
Accelerate regulatory action		
Make authorisation work as intended - Reject applications for authorisation if they are not in conformity with the requirements of Article 62 - Ensure meaningful grouping of applications - Clarify that alternatives do not need to be available “for the applicant” and do not need to have the same performance level - Ensure that the authorisation is only for uses where it has been demonstrated that no alternatives are available - After Annex XIV inclusion ECHA should immediately make a restriction proposal to ensure SVHCs in imported products are addressed, where relevant (Article 69(2)) - Commission to withdraw authorisations for non-compliant holders / national enforcement to take measures with equivalent effect (e.g. suspension of operation)	Change in practice	- Implement the high level of protection - Make sure the whole regulatory toolbox in REACH is used to accelerate the phase-out of SVHC, with priority on wide dispersive uses - Reduce the authorities’ workload of assessing applications for authorisation and ensure equal treatment - Ensure that only applications for authorisation are submitted that contain sufficient information for decision-making - Implement court findings will provide clarity, e.g. on definitions - Ensure a level playing field for EU companies on the Single Market.
Make restriction work as intended: - Respect the Article 68(1) obligation to mitigate unacceptable risk - Accelerate the implementation of the Restrictions Roadmap; increase transparency on its implementation, with justifications for any delays/changes in framing the restrictions - Ensure compliance with legal timelines (e.g. Article 73) - Clarify how uncertainties should be addressed to reduce burden of proof of authorities - Clarify conditions and information that should be available to authorities for granting derogations - Derogations to restrictions should only be possible when it is demonstrated that no alternatives exist for the specific use	Change in practice	- Implement the high level of protection - Make sure the whole regulatory toolbox in REACH is used to accelerate the phase-out of SVHC and the most harmful substances, with priority on wide dispersive uses. - Increased predictability through the existing Restrictions Roadmap - Reward frontrunners and innovation towards safer chemicals - Foster circular economy by phasing-out harmful substances from materials