25 September 2013

Platform for NGO-ECHA discussions
Meeting note

Time: Wednesday 25/09/2013, 16:30 – 18:30 Helsinki Time (EEST, GMT+3)

Place: Meeting room Margot Wallström, ECHA Conference Centre

Participants:

NGO Representatives: BUONSANTE Vito (Client Earth); CIOCI Grazia (HCWH); MUSU Tony (ETUC); SANTOS Tatiana (EEB); TAYLOR Katy (ECEAE)

ECHA: YLÄ-MONONEN Leena (Director for Evaluation – Meeting chair); DE BRUIJN Jack (Director for Risk Management); MUSSET Christel (Director for Registration); HERDINA Andreas (Director for Cooperation); JACKSON Lindsay (Head of Unit, Communications) KARHU Elina (Head of Unit – Risk Management Identification); ELWAN Adam (Communications Unit); LOCCHI Lisa (Communications Unit); MERCOURI Virginia (Communications Unit); RONCACCIA Maurizio (Communications Unit).

1. Opening

The chair, Leena YLÄ-MONONEN (LYM) introduced the topics of the meeting: Substitution, SVHC Roadmap for 2020 and ECHA's approach to dissemination and confidentiality.

2. Status update – "Chemicals in our life" web section

Virginia MERCOURI (VM) gave a status update on the Chemicals in our Life web project discussed at the previous NGO-ECHA platform meeting. She explained that the first new pages of the section which were intended for workers would be published on 12 November in conjunction with the European Employment Week Forum. The rest of the new and revamped pages are under development together with the Accredited Stakeholders (ASOs) and a mock-up of their look and feel would be presented at the ASO Communicators' Network meeting in Brussels on 28 November. All the pages are planned to be launched on the European Consumer Day on 15 March 2014.

3. Substitution

ECHA's role in promoting substitution

Jack DE BRUIJN (JDB) outlined the different processes that ECHA is responsible for such as disseminating information on registered and notified substances and supporting the implementation of effective risk management advice in the supply-chain. He explained that these are key in reaching the objectives of the REACH regulation in terms of safe use of substances. He noted as well that there are many different factors that can influence the choice of a company to substitute a substance with another one (or another process).

Therefore the main contribution from the Agency to promoting substitution is actually to make sure that REACH as such works well. He stressed the importance of improving ECHA's communication on substitution through various means such as the development of a web page dedicated specifically for promoting substitution under the "Chemicals in our Life" section and increasing general awareness through key messages, speeches and newsletters. He mentioned the possibility to further promote Article 33 obligations to industry through Q&A documents and other channels.

The presentation is available in Annex I.

How NGOs are promoting substitution

Tatiana SANTOS (TS) presented the activities that NGOs[1] are involved in for promoting substitution. These include the forming of a coalition of NGOs to create the SIN list and in partnership with trade unions and research institutes, the establishment of the substitution portal (SubsPort), designed to help companies find safer alternatives. She also mentioned the coalition of large textile companies with the aim of phasing out hazardous chemicals by 2020.

She went on to explain the next steps and actions for NGOs in the substitution process through several practical examples including providing training on substitution, potentially in collaboration with ECHA to relevant stakeholders such as civil society observers, Member States and companies.

Her presentation included recommendations to ECHA such as the need to develop guidance and a dedicated web section on substitution and a need to prioritise advanced/green chemistry. The main concerns of NGOs on authorisation were also presented.

The presentation is available in Annex II.

Discussion

Following the presentations, LYM explained that substitution is a dialogue between civil society stakeholders and ECHA but that there are several other actors involved such as the Commission. Another important group are the industry associations. ECHA will address the issue of substitution during the 29 November Accredited Stakeholder Workshop in Brussels with all its accredited stakeholders.

Vito BUONSANTE (VB) commented on JDB's presentation, requesting for further elaboration on the role and scientific capacity of the Agency and expressed his opinion that in the restriction process, the Committees in particular should do more to balance cost bias with quality of life by placing less weight on socio-economic analysis and more on assessing information on alternatives. He felt that scientific capacity to analyse alternatives should be increased both for the Committees but also for ECHA's units

[1] WECF; ClientEarth; Greenpeace; HCWH; HEAL; CHEMSEC; EEB; ETUC

dealing with risk management. JDB responded that in terms of assessing the analysis of alternatives submitted by industry, ECHA's role and scientific capacity is to ensure that the information is of appropriate quality for the Committees to judge their validity. He explained that assessing if an alternative put forward by industry is technically feasible, would be impossible for ECHA to conduct due to resource limitations and would not fall in the Agency's role as set by the legislation. He reminded that there are several organisations that provide information to industry on how to promote substitution and help with their technical analysis processes.

VB suggested inviting more associations working with green chemistry to become ECHA's Accredited Stakeholders as a means of increasing the scientific capacity of the Committees. JDB welcomed the idea and suggested that the NGOs could also contact such associations and invite them to contribute through public consultations and to apply for the accredited stakeholder status.

VB welcomed JDB's proposal to improve promoting compliance of Article 33 obligations although he acknowledged that the Agency only has a limited responsibility in this regard. He mentioned that a stronger role from ECHA would help to empower civil society groups that may try to use this tool more. JDB explained that although ECHA already tries to promote Article 33 obligations through presentations given at events as well as a dedicated leaflet, more could be done on ECHA's website for example by providing information to consumers about what rights they have and what obligations companies have. He stressed the importance of involving the Member States in the discussion as he felt that the first point of information for consumers would be the national organisations and authorities who could reach a much larger audience rather than the ECHA website.

VM promoted the Enterprise Europe Network (EEN) which consists of a network of chambers of industry and with whom ECHA is closely working to reach out to SMEs. She explained that the network is also very useful for promoting substitution and invited the NGOs to propose any suggestions for working together with the network.

Tony MUSU (TM) pointed out that the core element for REACH to work properly is the participation of civil society in ECHA's work. In his view, there is a trend in impeding this from happening by for example no longer reimbursing the travel and accommodation expenses of trade unions and NGOs to other than Committee meetings. He reiterated that during the discussions on authorisation in SEAC and RAC, civil society observers will not be allowed to take the floor. LYM responded by explaining that excluding civil society observers from ECHA meetings was not intentional and that the authorisation process was still relatively new with a lot of new confidential business information. She also explained that the Committees were very independent in deciding their roles and rules of procedure for how to involve observers. She took note of the points made by TM also on the reimbursement of stakeholders and informed that ECHA is investigating these issues internally.

TM also mentioned that through the work of ECHA on authorisation, the Agency will collect a lot of information on alternatives and suggested that ECHA builds a database with all the collected alternatives, without judging their quality and makes them publicly available on the ECHA website.

JDB mentioned that downstream users had a key role in substitution, as highlighted in his presentation and also by the NGOs. He proposed that a potential discussion point for the

next meeting would be to determine how to involve them more and what kind of information should be provided to them and by whom. TS suggested that ECHA should start with simple actions to promote substitution by spreading information that substituting is not difficult but remains very important and highlighting the key steps in moving towards safer alternatives. She explained that downstream users were an example of an audience group which is not very aware of their obligations and in many cases finds REACH to be a burden but that through such messages from ECHA and by involving industry sector groups more to share and spread information, this problem could be alleviated.

LYM concluded that the discussion on substitution deserves more time and should be continued at the next meeting.

4. SVHC Roadmap for 2020

Status of the SVHC Roadmap

Elina KARHU (EK) gave an overview of the implementation plan for the SVHC Roadmap. The first step is the identification of relevant substances by screening for potential SVHCs. She explained that the screening would be carried out by substance groups and analysing Risk Management Options (RMO). She explained the need to screen those substances that were already in use by focussing on registered substances and carrying out regular revisits when registration information changes. In cases where substances had not yet been registered, similarity checks would be carried out to screen substances not yet available in the EU market. Other activities in the implementation plan included the coordination of authorities' activities, progress monitoring and reporting, as well as communication towards stakeholders and the public. The aim was to finalise the implementation plan during the CARACAL 13 meeting in November in Brussels, followed by a ½ day workshop for stakeholders back to back with the CARACAL meeting to discuss and inform about the final plan before publishing information about it on the ECHA website.

The presentation is available in Annex III.

Discussion

VB stated that the NGOs very much support the SVHC Roadmap implementation plan but that there is a lack of transparency in the RMO process. He explained that between 2010 and 2012, 160 RMOs had been prepared and only 138 substances were included in the candidate list during that time, including a number already from before 2010. This raises the question as to why these substances were left out. EK explained that as far as possible, information on the first substances to be analysed, would be communicated on the ECHA website once the implementation plan had been agreed in Q4 2013.

JDB explained that although the RMO process is sometimes seen as not very transparent, without the process, it would be impossible to see what substances are being looked at to begin with. He reminded that the decision to carry out an RMO analysis is mostly taken by each Member State and in some cases by the Commission. According to JDB, ECHA

has tried to initiate a discussion between Member States through the implementation plan to try to avoid non-legislative hurdles and to speed up and harmonise regulatory decision-making but due to the internal processes of the Member States, finding a balance between different traditions and policies for managing chemicals has in many cases been difficult to achieve.

TM highlighted the importance of monitoring the progress of the SVHC Roadmap by providing statistics on the numbers of substances that were being screened and expressed his concern that communicating on the implementation plan would be very difficult without providing such numbers. EK replied that one of the aims of the SVHC Roadmap was to focus on finding new substances, for which it would be impossible to predict numbers. However, she stressed that the final numbers of which substances fall into which lists would be known and made available, concluding that in the RMO process, it had been agreed to make public for which substances RMOs would be prepared and their conclusions to increase transparency.

5. ECHA's approach to dissemination and confidentiality

State of play

Christel MUSSET (CM) gave an update on the ECHA dissemination website with a brief overview of the findings of the Stakeholders' Engagement Study. The study was carried out to understand the behaviour of ECHA's web audiences when searching for chemicals, collect stakeholders' requirements and provide comparisons with already known portals on chemicals. She highlighted two main improvement needs found by the study: improvement needs on usability and search-ability as well as the way in which content was presented to visitors. She gave an overview of the work in progress including development of the user interface and content related aspects such as brief substance profiles and improvement of data quality. She also informed participants of a workshop on brief substance profiles taking place on 3 December 2013 and a workshop on the new website planned for Q3 2014. CM went on to explain that a tiered approach would be used to present substance information. The first tier would focus on substance identifiers and main regulatory processes, second tier with extended information (scientific, uses and risk management measures) on the substance and finally the third tier with raw data. She showed screenshots of proposals for the way in which the information would be shown on the new dissemination website and concluded her presentation by highlighting the benefits of the new approach such as the usability improvements for website audiences, ability to access information quickly, translation of scientific information into readable text and linking the information across different legislations such as the Biocidal Products Regulation (BPR) and Prior Informed Consent (PIC).

The presentation is available in Annex IV.

Discussion

TS congratulated on the advances made for the new dissemination website and was keen to contribute to the project explaining that it was very close to what NGOs expected would be useful for audiences with less knowledge about chemicals. She pointed out that

the NGOs could share best practice ahead of the workshop about other similar chemical databases to demonstrate how and what type of information they publish.

VB asked whether in accordance with the REACH review proposal from the Commission, all restriction data would also be included in the dissemination website. JDB explained that ECHA had already replied to the Commission saying that what they were proposing would be very difficult to keep up-to-date and that ECHA's current resources would not allow it. He also mentioned that several commercial companies were already providing this information.

TM asked whether a decision had been taken regarding the publication of the Chemical Safety Reports (CSR) on the dissemination website. CM responded that based on discussions with the advisory group on dissemination, the approach would be to complete the current substance information published with data which would be similar to the exposure scenario data attached to the Safety Data Sheet (SDS) rather than publishing the full CSR. This will require an identification of which part of the CSR dealing with exposure information would benefit from a better structure in the IUCLID format, so that it can be subject to later publication. This assessment is on-going.

VB pointed out that not all civil society observers can participate in the workshop in December and requested that the screenshots of the website could be shared in advance. CM confirmed this and that ECHA would look into the possibility of organising remote participation to the workshop for those who were unable to attend in person.

CM concluded that in line with the roadmap developed by the advisory group on dissemination and linked with the launch of the new IUCLID 6, the development work will continue throughout 2014 and ECHA plans to launch the new layout of the website in mid-2015. However, during the development phase, some additional information will already be published such as information on the uses of substances and NONs.

6. Agenda setting

Meeting participants agreed to set the topic and the timing of the next meeting by email.

25 September 2013

Annex I – Meeting Agenda

Date & Time:
Wednesday 25 September 2013
16:30 – 18:30 Helsinki Time (EEST, GMT +3)
Location: Meeting Room K324

16:30 – 16:35 **Opening of the meeting**

16:35 – 16:40 **Status update on the "Chemicals in our life" web section project**

16:40 – 17:40 **Substitution**
- Presentation: ECHA's role in promoting substitution
  Jack de Bruijn, Director of Risk Management
- Presentation: How NGOs are promoting substitution
  NGO speaker TBC
- Discussion

17:40 – 18:05 **SVHC Roadmap for 2020**
- Presentation: Status of the SVHC Roadmap
  Elina Karhu, Head of Unit – Risk Management
- Feedback from NGOs
- Next steps

18:05 – 18:25 **ECHA's approach to dissemination and confidentiality**
- Presentation: State of play
  Christel Musset, Director of Registration
- NGO expectations from ECHA
- Discussion

18:25 – 18:30 **Agenda setting**
- Tentative timing and topic of the next meeting