



EMBARGOED UNTIL 0900 20/10/04

20-10-04

REACH IMPACT GOES BEYOND CHEMICALS PRODUCERS SAY **MANUFACTURING INDUSTRIES**

The impact of REACH will have significant consequences for manufacturing industries other than the chemical industry, seriously affecting their competitiveness. This was the position presented today by the REACH Alliance at the EU Economic and Social Committee public hearing on the impact of REACH outside of the Chemicals industry. The REACH Alliance comprises 12 important manufacturing sectors employing 2 million people, with an annual turnover of 360 billion Euros.

The Alliance supports the basic aims of REACH to ensure the safe use of man made chemicals but points out that the scope of the proposal is much wider, covering not only chemicals but also products and raw materials. The REACH Alliance argues that REACH does not take into consideration the nature of the raw materials used and the products manufactured by industries other than the Chemicals industry. The framework and definitions applied under REACH were devised for man made ("organic") chemicals and do not transfer to the products and materials of the REACH Alliance sectors without causing disproportionate damage to those sectors.

The basic raw materials of the REACH Alliance industries are minerals, ores, substances occurring in nature, recovered materials and waste. The raw materials of the Chemicals industry, natural gas, crude oil and coal are completely exempt from registration under REACH. The raw materials of the REACH Alliance are not. The Alliance argues that industries should receive the same treatment and not be at a competitive disadvantage. In fact, any potential risks from the raw materials used and the products produced by the Alliance industries are already covered by existing legislation that will not be superseded by REACH.

Further concerns in the proposed legislation include prioritisation of substances by volume and not risk. REACH Alliance industries manufacture/import high volumes of low risk products, minerals, ores or substances occurring in nature. But they will be covered by REACH and will fall into the highest volume category with the most stringent requirements. The White Paper on which the REACH proposal is based refers to an annual worldwide production volume of 400 million tonnes for chemicals. The Alliance industries have annual production volumes far in excess of this (1.5 billion tonnes) in the EU alone. Thus, it would appear that there was originally no intention to include these high volume/low risk materials within the scope of REACH.

REACH also threatens the significant contribution to sustainability made by the REACH Alliance sectors via the recovery and recycling of waste and secondary raw materials. Hampering recycling of these products surely cannot have been the intention of the legislator, but the overlap between the proposed substances legislation (REACH) and the existing waste legislation will inevitably have an adverse effect on recycling.

The REACH Alliance aims to contribute in a positive way to the decision making process for REACH. It strongly argues that the effectiveness of the proposed legislation would and should be improved by considering the specific nature of the raw materials used and products produced by industries outside of the Chemicals industry, in particular materials that are already covered by other existing legislation.

The full stated position of the REACH Alliance is attached.
For more information, please see the enclosed list of contacts.



Joint Position of 12 industry sectors in Europe on the REACH proposal by the European Commission

8 June 2004

The cement, ceramics, glass, gypsum, iron & steel, lime, minerals, non-ferrous metals, ores, paper, precast concrete and ready-mixed concrete industries support the basic aims of REACH but have a number of common concerns about the proposal by the European Commission for a New Chemicals Policy (REACH). These 12 sectors roughly represent a total turnover of 360 billion Euro, manufacture 1,500 million tonnes of products and provide employment to 2 million people.

We will, of course, as **downstream users** of chemicals and also as importers of chemicals, be impacted by the proposed Regulation. However, in relation to the nature of the products we manufacture we have the following main concerns:

1. The REACH proposal has been developed with the main objective of safe use of man-made products from the chemical industry. However, as currently presented, it would cover not only chemicals, but also other products such as those that our companies manufacture, as well as our raw materials. **We feel that it cannot be the intention of the proposed legislation to include our raw materials and products in REACH under the same regime as chemicals.**
2. Our industries are manufacturing products in quantities, which exceed by far the total worldwide volume (400 Million tonnes per year) of chemicals referred to in the White Paper on the Chemicals Policy Review of February 2001. As high volume manufacturers of mainly low risk products derived from minerals, ores or substances occurring in nature, **we question the logic of prioritisation (including timing for implementation) by volume, instead of by risk.**
3. Minerals (naturally occurring or synthetic), ores or substances occurring in nature (the basic raw materials for our sectors) should be fully exempted from registration requirements, as is the case for natural gas, crude oil and coal (the basic raw materials for the organic chemicals sectors). **Their inclusion puts our sectors at an unfair and significant competitive disadvantage.**
4. The proposed Regulation overlaps with existing legislation. Potential risks arising from the use of the basic raw materials for our sectors are already addressed under:
 - the IPPC Directive (Council Directive 96/61/EC) and/or;
 - the legislation on the protection of health and safety of workers and/or;
 - the Construction Products Directive (89/106/EEC) and some other "product" legislation e.g. batteries, including risk management requirements;
 - Directive 89/109/EEC for materials and articles intended to come in contact with food.

Duplication of legislation should be avoided where the Health, Hygiene and Environmental impacts of our products are already addressed in an adequate way.

5. We welcome as part of the proposal the prominent role of Safety Data Sheets (SDS) which manufacturers in our sectors already provide, where relevant, to their customers. **These SDS, produced according to the existing European legislation, describe very clearly how to use our products without jeopardising workers' health and the quality of the environment.**
6. The use of waste for recovery and/or materials for recycling as feedstock for our industrial processes contributes significantly to Sustainable Development. These materials are used according to European Community and international waste legislation: among others, the provisions of the IPPC Directive (96/61/EC) and/or the Waste Incineration Directive (2000/76/EC). **Overlap between waste and substance legislation should be avoided and we therefore propose to exempt them from REACH as waste legislation already ensure a high level of protection.** Needless to say that hampering of recycling would be contrary to the targets set forward in the Sustainable Development policy of the EU.

To conclude, our sectors are very concerned by the REACH proposal, which should be improved by taking into consideration the specificity of our raw materials and products, especially those, which are already covered by other legislation and which should not therefore be subject to REACH.

BIBM International Bureau for Precast Concrete	Mr. Eddy Dano	Rue Volta 12 BE-1050 Brussels	Tel : 02-738.74.31 Fax : 02-734.77. 95 ed@febe.be	
CEMBUREAU European Cement Association	Mr. Willem van Loo	Rue d'Arlon 55 BE-1040 Brussels	Tel : 02-234.10.24 Fax : 02-235.02.64 w.vanloo@cembureau.be	
CEPI Confederation of European Paper Industries	Ms. Inneke Claes	Av. Louise 250 BE-1050 Brussels	Tel: 02-627.49.23 Fax: 02-627.49.33 i.claes@cepi.org	
CERAME-UNIE Liaison Office of the European Ceramic Industry	Mr. Rogier Chorus	Rue des Colonies 18-24 - Bte 17 BE-1000 Brussels	Tel: 02- 511.30.12 Fax: 02-511.51.74 chorus@cerameunie.net	CERAME – UNIE LIAISON OFFICE OF THE EUROPEAN CERAMIC INDUSTRY
CPIV Standing Committee of the European Glass Industries	Mr. Fabrice Rivet	Av. Louise 89 BE-1050 Brussels	Tel: 02-542.61.27 Fax: 02-542.61.21 fabrice.rivet@vgi-fiv.be	
ERMCO European Ready-Mixed Concrete Organisation	Mr. Francesco Biasioli	Rue Volta 8 BE-1050 Brussels	Tel: 02-645.52.12 Fax: 02-735.14.67 fb@ermco.org	ERMCO
EuLA European Lime Industry	Ms. Alejandra Sanchez	Rue du Trône 61 BE-1050 Brussels	Tel: 02-511.31.28 Fax: 02-514.09.23 alejandra.sanchez@eula.be	
EUROFER European Conf. of Iron and Steel Industries	Ms. Patricia Koundakjian	Rue du Noyer 211 BE-1000 Brussels	Tel: 02-738.7935 Fax: 02-738.7969 P.Koundakjian@eurofer.be	EUROFER European Confederation of Iron and Steel Industries
EUROGYPSUM Association of European Gypsum Industries	Mr. Philip Bennett	Gulledelle 98 - bte 7 BE-1200 Brussels	Tel: 02-775.84.90 Fax: 02-771.30.56 info@eurogypsum.org	EUROGYPSUM ASSOCIATION OF EUROPEAN GYPSUM INDUSTRIES ASSOCIATION DES INDUSTRIES EUROPEENNES DU PLATRE VERBAND DER EUROPAISCHEN GIPSINDUSTRIEN
EUROMETAUX European Association of Metals	Mr. Hugo Waterschoot	Av. de Broqueville 12, BE-1150 Brussels	Tel : 02-775.63.14 Fax : 02-779.05.23 waeterschoot@eurometaux.be	
EUROMINES European Association of Mining Industries	Ms. Corina Hebestreit	Av. de Broqueville 12 BE-1150 Brussels	Tel: 02-775.63.56 Fax: 02-770.63.03 hebestreit@euromines.be	
IMA-EUROPE Industrial Minerals Association - Europe	Mr. Roger Doome	Bd S. Dupuis, 233 - bte124 BE-1070 Brussels	Tel: 2-524.55.00 Fax: 02-524.45.75 r.doome@ima-eu.org	