

**26 May 2020****BeST Association response to the Chemicals Strategy for Sustainability roadmap consultation**

The Beryllium Science and Technology Association (BeST) represents the suppliers of beryllium to the EU market and industries who rely on the unique properties of beryllium to design for miniaturisation, energy conservation, greater reliability and longer product life.

Members of our association are directly impacted by EU chemicals legislation, such as REACH and RoHS, and have first-hand experience with the benefits that these pieces of legislation bring, as well as regulatory inconsistencies and lack of coordination in implementation between them.

BeST has reviewed the European Commission's plan to reduce risks associated with producing and using chemicals. We support the aim of simplifying EU rules on chemicals by ensuring increased harmonization of work between EU agencies and legislation and achieving the principle of 'one substance – one assessment'.

**Critical Raw Materials** – Beryllium has been listed as a critical raw material (CRM) to the EU since the introduction of the list in 2011. The economic importance of beryllium was established due to its very unique combination of properties that make it non-substitutable in many high-tech applications which would suffer a loss in performance if it were to be substituted. As a member of the CRM Alliance, BeST hopes to see continued, tailored support for CRMs in the Chemicals Strategy.

**Overregulation** – Several substances, particularly elements, are excessively targeted, such as beryllium, since there is much information available, including outdated data. This results in overregulation and unnecessary burden, which negatively impacts EU industries in terms of loss of investment, competitiveness and innovation.

In 2019, beryllium was again targeted for assessment under RoHS, even though the risk at the workplace is adequately addressed by EU OSH legislation with a binding OEL, and there is no risk for end consumers nor for the environment.

Furthermore, we would like to highlight that overly restrictive EU regulations do not always embrace recent scientific data and proven industrial safety practices. This could alter the manufacturing conditions of critical components containing beryllium that will create economic disincentives to the ongoing supply of beryllium and its use in the EU.

**Stakeholder consultations** – BeST felt that the stakeholder consultations under the RoHS review could have been better organised and more transparent. In general, we underline the importance of allocating sufficient resources to stakeholder consultations and believe that written submissions alone are insufficient to create scientifically correct results.

**Regulatory incoherence and inconsistency** – Our association has witnessed substances targeted under several regulatory frameworks simultaneously in the EU, such as evaluation under REACH and RoHS, even though these feature overlapping objectives and scopes. Such approaches contribute to legal uncertainty and negatively impact investments.

In conclusion, we welcome the Commission's roadmap towards simplifying and strengthening the legal framework. At the same time, we believe that consideration must be given to ensuring the framework is sustainable and consistent.

Greater coordination among EU regulatory bodies is necessary in order to allow the development of a chemicals regulatory framework that is effective, efficient and proportionate. The EU should proactively cooperate with industry in order to adequately identify the issues associated with these materials and adopt the best regulatory solutions.

Regulation also needs to consider the international regulatory contexts so as to avoid the investment moving to third countries. A level of international alignment is therefore necessary.

The Chemicals Strategy should enable the promotion and protection of the safe use of substances critical to the EU, including beryllium, given its life-improving properties and its non-substitutable use in existing and future applications.

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