

BeST position paper on REACH review

BeST

The Beryllium Science and Technology Association (BeST) represents the manufacturers, suppliers and users of beryllium metal, beryllium containing alloys and beryllium oxide ceramics in the EU market. BeST has the objective of promoting sound policies, regulations, science and actions related to the use of beryllium, and to serve as an expert resource for the international community on the benefits and criticality of beryllium applications.

Introduction

In line with the objectives of the EU's Chemicals Strategy for Sustainability (CSS), the European Commission (EC) is currently undergoing an in-depth assessment and restructure of the EU's comprehensive regulatory framework on chemicals. In this context, the European Commission has published a stakeholder consultation on the review of the Regulation (EC) No 1907/2006 (REACH).

Feedback

In the frame of the current public consultation, BeST submits the following observations and concerns:

- **Safe use concept** - The safe use concept, as introduced by the EC in the CARACAL Document CA/03/2022, must be incorporated in the REACH review. Indeed, the EU chemicals legislation has already assessed many substances and concluded that the use of these substances is safe for consumers and professionals. A substance proven to be safe should not be object of regulatory targeting, in line with EU regulatory principles which state that restrictive requirements must not go further than the necessary measures to achieve their objective.
- **Hazard vs risk assessments** - In line with the above comment, the combined extension of the GRA and implementation of the Essential Use Concept represents a departure from the current risk-based regulatory approach which will erase decades of risk management assessments and measures already implemented at EU level as well as result in duplication of efforts for both industry and authorities. A risk-based approach should therefore be preferred, confirming that a substance proven to be safe should not fall in the scope of the GRA and should not be object of an 'essentiality' assessment.
- **Obligations for lower tonnage substances** – The inclusion of new obligations for lower tonnage substances will entail disproportionate administration and information requirements for small and highly specialised sectors, largely dominated by SMEs. The introduction of additional obligations in absence of a careful analysis of their benefits and drawbacks will result in unintended consequences.
- **Industry data** - The regulatory options suggested via the CSS to be included in the REACH review support the shift of burden to industry due to lack of sufficient data by authorities on uses and/or exposure. To note, however, that industry data has, in many instances, been disregarded by authorities and stakeholders have been de facto excluded from contributing to substance/chemical assessments. Industry engagement and consideration of industry data by authorities should therefore be improved. Indeed, industry is best fit to provide the necessary data for assessments under REACH.
- **EU competitiveness** - The international competitiveness of EU's industry will be severely hampered by the hazard based approach supported by the CSS. Indeed, an unfounded ban of the use of a hazardous substance means reducing the technological toolkit available to European manufacturers. This would lead to a substantial performance gap between products manufactured in Europe and the ones manufactured outside the EU, thus reducing the competitiveness of the former on the global market.
- **EU Green Deal** - To reach the carbon neutrality in 2050, we will need to use much more metals which are mostly classified as hazardous materials (80 %). Metals are key in both green and digital transitions (wind and solar energy, batteries, electric mobility, magnets, fuel cells, hydrogen production, data centres etc.). Simplistic approach built on phasing out hazardous chemicals solely based on their intrinsic hazard properties and CLP classification would be counterproductive. A real risk-based approach is essential to meet green deal challenges: Risk = Hazard x Exposure.



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Conclusions

More than 80 actions in the CSS are to be implemented by 2024, which is a very tight deadline, and the policy actions address very important aspects for industry and for societal wellbeing. **It is of utmost importance that these are developed in coordination and coherence, coupled with proper impact assessments to determine benefits and drawbacks.** These regulatory actions must be attentive to the needs of EU industry, consumers and society to guarantee industry and innovation in the EU, resilient EU supply chains, societal wellbeing and achievement of the overall objectives of the EU's Green Deal.
