



Ms. Elżbieta Bieńkowska, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs
Mr. Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries

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CC:

Mr. Daniel Calleja Crespo, Director-General, DG Environment, European Commission
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Mr. Klaus Berend, Head of Unit, REACH, Internal Market, Industry, Entrepreneurship and SMEs
Mr. Björn Hansen, Head of Unit, Chemicals, Environment, Maritime Affairs and Fisheries
Mr. Geert Dancet, Executive Director, European Chemicals Agency (ECHA)

Brussels, 8 December 2015

Open letter: European Environmental Bureau report on REACH authorisation process

Dear Commissioner Bieńkowska, dear Commissioner Vella,

I would like to share with you a new EEB report on the REACH authorisation process, [**A Roadmap to Revitalise REACH**](#) that we have published today, 8 December.

Our intention with this report is to defend the REACH authorisation process as the main regulatory tool to protect human health and environment from exposure to harmful chemicals as well as to contribute to making the process more effective in achieving the REACH protection goal.

[**A Roadmap to Revitalise REACH**](#) shows that the REACH authorisation process has started to deliver. Particularly important is the listing of hazardous chemicals in the Candidate List, which is a key driver to encourage companies to replace substances of very high concern (SVHCs) with safer alternatives.

However, the report also shows that unless the Regulation is better implemented and enforced, it will never achieve its aim of removing harmful chemicals from the market. The slow pace of implementation of authorisation by the European Commission, especially with regard to the listing of SVHCs in both the Candidate and the Authorisation lists and the decisions on applications for authorisation, as well as the manner in which it is approached by both the Commission and ECHA, is preventing REACH from reaching its ultimate goal of protecting people from dangerous substances. In fact, as we show in the report, previous efforts by the Commission to 'simplify' the process as part of its Better Regulation agenda have actually made it harder to effectively implement REACH.

Furthermore, the practice of the Commission and ECHA to approve (or recommend for approval) all applications for authorisation apparently by default, even when safer alternatives are known to be available, when the analysis of alternatives is inadequate, or when the applicant did not demonstrate that the benefits of an authorisation outweigh the risks posed by the exposure to a SVHC, undermines the credibility of the authorisation process, turn authorisations into permits to pollute, and creates an economic disadvantage for companies that have invested in safer alternatives.

The report makes a number of recommendations directly to the Commission – see in particular p. 34 of the report. Among other things, we believe that the Commission should focus more on achieving substitution, the main goal of the authorisation process, as well as on improving its implementation as a whole by making it more efficient. The current approach has tended to make it easier and cheaper for companies producing and using obsolete chemicals to get authorisations for the continued use of SVHCs and to discourage more innovative companies that have invested in safer alternatives.

We would like to take this opportunity to request a meeting with you to discuss our findings, conclusions and recommendations regarding the REACH authorisation process during the first quarter of 2016. In any case, we look forward to hearing your reaction to our report and hope to continue a fruitful discussion on how to improve the implementation of the process.

Yours sincerely,



Jeremy Wates,
Secretary General