

REACH AUTHORISATION SCORE CARDS

Industry keeps EU in the slow lane

"The aim of authorisation is to ensure the good functioning of the internal market while assuring that the risks from substances of very high concern are properly controlled and that these substances are progressively replaced by suitable alternative substances or technologies where these are economically and technically viable." {REACH Art. 55}.

What is a scorecard? EEB's verdict on authorisation applications, the opinions handed down by ECHA's Committees, and overall compliance with REACH requirements for granting authorisations to substances of very high concern (SVHC).

The aim? To improve the authorisation process in order to ensure that SVHC are progressively replaced by safer alternative substances or technologies.

Applications for the use of HBCDD in flame retarded expanded polystyrene (EPS)			
Uses applied for are specific and sufficiently documented.			Red
Information provided by the applicant conformed with the legal text requirements.			Red
Information was accessible to the public.		Yellow	
Applicant demonstrated adequate control or that the proposed risk management measures were appropriate and effective.			Red
Applicant demonstrated that there were no suitable alternatives.			Red
Applicant demonstrated that the socio-economic benefits of using the substance outweighed the risks.			Red
RAC's opinion	Green		
SEAC's opinion			Red

Comments:

- The scope of this application was very broad, covering not only the manufacture of flame retarded extended polystyrene (EPS), but also all downstream uses.
- The information provided in the application was not in conformity with the legal text requirements - emissions to the environment and emissions caused by downstream users and professionals were not adequately described. Also, no worker exposure assessment was provided.
- Part of the information was deemed confidential although the information available through the public consultation was sufficient for third parties to provide constructive input.
- The applicant did not demonstrate that the proposed risk management measures were appropriate and effective.
- Information provided through the public consultation demonstrated that technically and economically feasible alternatives are available in sufficient quantities.
- The socio-economic analysis provided by the applicant was not realistic.
- RAC's opinion was consistent with the information and assessments provided in the application.
- SEAC's opinion was not consistent with the information and assessments provided in the application. During discussions with stakeholders it was made clear that the main alternative considered (pFR) was expected to be available in sufficient amounts at the sunset date for HBCDD (August 2015), if both supply and demand developed as foreseen. However, SEAC decided to propose granting an authorisation with a four-year review period.
- In 2013, HBCDD was included in Annex A of the Stockholm Convention. However, the use of HBCDD in insulation was given a five-year exemption period. This means that all uses of HBCDD will be banned globally by 2020. In the EU, if an authorisation were granted for four years, as recommended by ECHA, HBCDD would be banned by 2019.

Scoring criteria

Uses applied for are specific and sufficiently documented.

Green: specific uses sufficiently described.

Amber: specific uses not sufficiently described.

Red: broad uses.

REACH legal text Art 60(7) establishes that the authorisations should be use specific.

Information provided by the applicant conformed with the legal text requirements.

Green: applicant provided sufficient information for the Committees to be able to develop an opinion.

Amber: after RAC and/or SEAC requested further information, the applicant provided sufficient information.

Red: even after RAC and/or SEAC requirements, the applicant didn't provide sufficient information.

REACH legal text Art 62 establishes the information requirements that applications must fulfil.

Information was accessible to the public.

Green: no information was deemed confidential.

Amber: part of the information was deemed confidential.

Red: relevant and adequate information was deemed confidential.

REACH Articles 64 (2) and (3) establish that broad information on the uses of the SVHC should be made publicly available and that third parties should have the opportunity to submit information on alternatives. Moreover, any decision on authorisation shall be taken after consideration of all third party contributions submitted under Article 64(2) according to article 60(4c). Therefore, meaningful information is key to the process.

Applicant demonstrated adequate control or that the proposed risk management measures (RMM) were appropriate and effective.

Green: applicant demonstrated adequate control or appropriate and effective risk control.

Amber: adequate control or appropriate and effective risk control was not demonstrated, but RAC considered it could be achieved with the information provided.

Red: applicant did not demonstrate adequate control or appropriate and effective risk control and RAC considered it couldn't be achieved.

Applicant demonstrated that there were no suitable alternatives

Green: applicant documented in its application that no alternatives were suitable for the use applied for. No information on alternatives was provided during the public consultation.

Amber: applicant partially documented in its application that no alternatives were suitable. Information on alternatives was provided during the public consultation, but the alternatives proposed were questionable (regrettable substitutes) or the information was insufficient and/or not relevant.

Red: applicant didn't document in its application that no alternatives were suitable. Information on available alternatives for the use applied for (for the applicant or downstream users) was provided during the public consultation.

Applicant demonstrated that the socio-economic benefits of using the substance outweigh the risks

Green: applicant documented in its application that the socio-economic benefits outweigh the risks.

Amber: applicant partially documented in its application that the socio-economic benefits outweigh the risks.

Red: applicant didn't document in its application that the socio-economic benefits outweigh the risks.

RAC opinion

Green: consistent with the information and assessments provided in the application.

Amber: partially consistent with the information and assessments provided in the application.

Red: not consistent with the information and assessments provided in the application.

SEAC opinion

Green: consistent with the information and assessments provided in the application.

Amber: partially consistent with the information and assessments provided in the application.

Red: not consistent with the information and assessments provided in the application.