



Bundled Reports Meeting Commission – CEFIC

GRA & Essential Uses – 19 January 2023

List of participants

CEFIC: [REDACTED]

DG ENV: Aurel Ciobanu-Dordea (Director B), [REDACTED] Unit B2), [REDACTED] Unit B2), [REDACTED] B2), [REDACTED] ESU B2), [REDACTED] ESU B2).

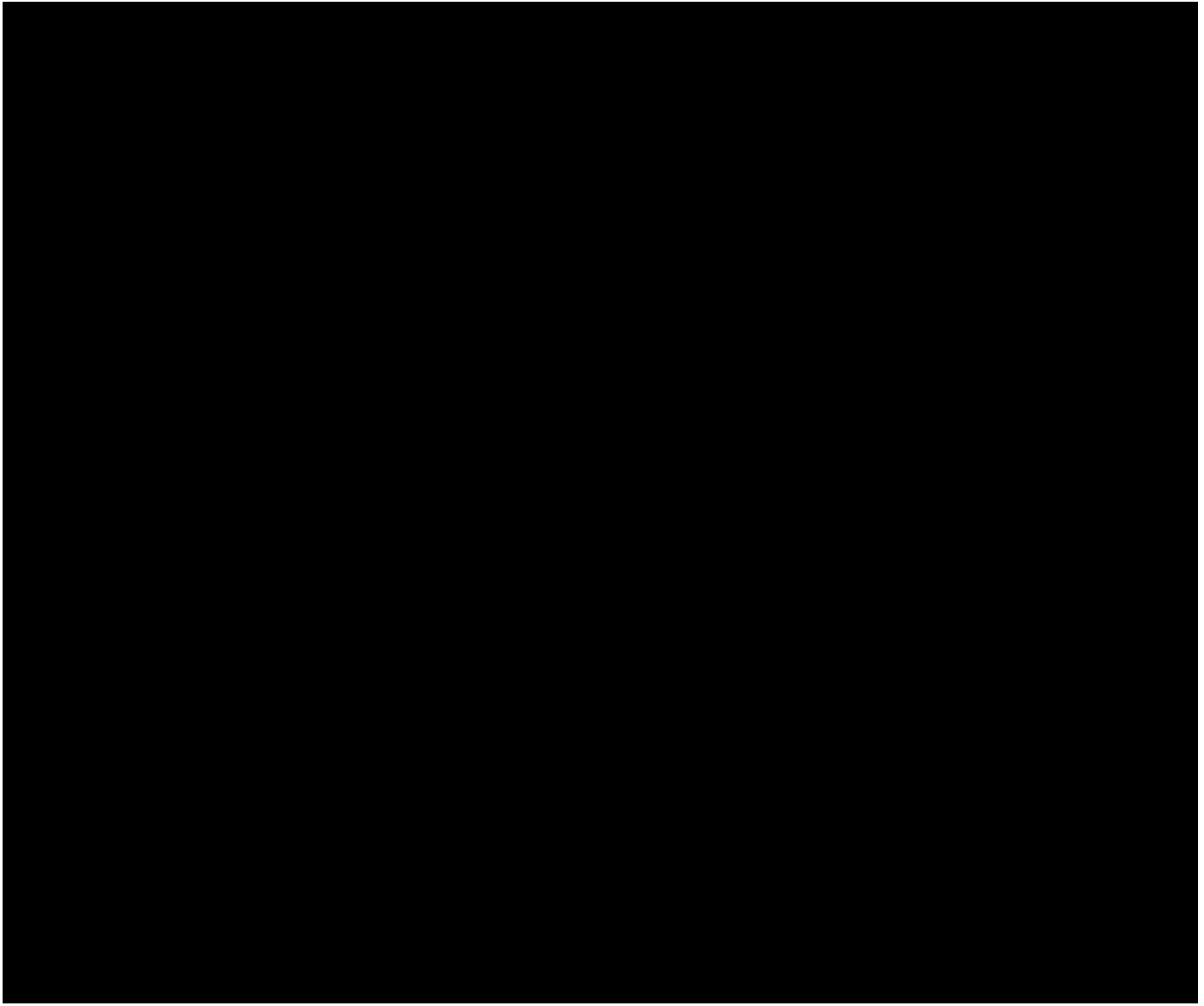
DG GROW [REDACTED] Unit F1), [REDACTED] Unit F1), [REDACTED] F1), [REDACTED] F1), [REDACTED]

Follow up actions:

1. By Fri 20 January- CEFIC to **provide information on polymers** to the COM (as a follow-up of the meeting on 12 January).
2. Possible **Meeting/workshop with industry on the occupational safety legislation**, its practical aspects: where it is working well, possible areas for improvement (e.g. for self-employed professionals, lack of harmonized protection across MS), bridging towards the REACH community: CEFIC to further outreach to DG EMPL on the discussion topics. COM services preferred timing (GROW, ENV, EMPL): the second half of 2023.
3. COM to reflect on **illustration of the concepts and regulatory processes under consideration by practical examples**: for the meeting with SMEs the first week of March.
4. CEFIC to provide further **input on possible problems with competition law** and ways to overcome those in the context of **derogations of general applicability, substitution plans and protection of confidential business information**.

GRA discussion:

- CEFIC: No firm positions yet, but concerns about introduction of new concepts, processes and measures. Most controversially perceived until now is the extension of GRA and introduction of the essential use.

- CEFIC: On the GRA extension: IND supports substitution of substances with these hazards in consumer products, but sufficient time for **identification and implementation of alternatives** is needed (to see which products are affected and to substitute). Reassuring that the extension targets only category 1 substances, the implementation based on a work plan and the start with substances/mixtures in consumer uses, articles coming later. For industry, **extension to professional uses** is the biggest worry (e.g. paints for construction).
 - COM: We want the empowerment to restrict the most harmful substances, starting with consumer uses and then some professional uses and proposing in parallel restriction on specific consumer articles.
 - CEFIC: uncertainty on whether **PMTs, vPvMs** would also be in scope of GRA.
 - COM: These groups are still under discussion but have been included in the Impact Assessment.
 - COM: Work plan for GRA will be in the form of a SWD, which is not binding, but COM prefers to have a collective discussion on it; maybe based on (informal) generic prioritisation criteria mainly for articles. Timing for discussion in CARACAL tbc, potentially already in March.
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Essential use discussion:

- CEFIC: Not so much the concern about the essential use criteria but rather how the concept is **implemented in REACH processes** and **who takes decisions**. Essential uses should not be the only option for derogation, but rather complementary to what is currently in place.
- CEFIC: Has looked at the potential implementation using the example of the microplastics restriction proposal. A number of the planned derogations would not be possible if essential use is used as the only ground for derogation (e.g. solubility would not be a ground under essential use).
- COM: Not convinced the examples chosen by Cefic in its study are relevant and the most appropriate to illustrate derogations based on essential uses (restriction processes in these cases are **still ongoing and based on article 68(1) of REACH, not on generic approaches**). The aim of the essential use concept is to simplify the procedures, we want to obtain info on alternatives at an early stage; authorities can suggest derogation/exemptions for essential uses upfront;
- CEFIC: Could we work out some examples of how the new system would work?
- COM: Maybe can reflect for an upcoming workshop/meeting with SMEs

- CEFIC: we cannot see how criticality/necessity for health or safety could simplify assessments, can probably only be used for limited cases of clearly essential (e.g. prioritised for a faster decision-making on authorisations) and clearly non-essential (although it may lead to court cases and not to speed up the process).
- CEFIC: Examples helpful also here. A use in in vitro diagnostics clearly essential (provided there are no alternatives), a use in in-fill mulches clearly non-essential?