Minutes ASD meeting 16/01/2022

Participants:

- [redacted] (Airbus)
- [redacted] (Leonardo)
- [redacted] (Asd)
- [redacted] (Asd)

European Commission :

- [redacted] GROW)
- [redacted] (GROW)
- [redacted] (GROW)
- [redacted] (GROW)
- [redacted] (GROW)

Discussion :

ASD felt like their contributions were not taken into account when the essential use concept was presented to CARACAL 47 in November 2018. They were wondering if the practicality of the measure had been examined and how many cases would be assessed.

They believed that when trying to substitute SVHC, an additional exposure route should be necessary in order to obtain authorisation instead of having additional constraints. They pointed out that for their sector, the terms “necessary for health and safety” do not apply to them but that safety also should include the notion of security.

COM acknowledge the importance of adding the notion of security but pointed out that the essential use concept concerns a “use” and not the essentiality of a sector.

COM explained the timeline of the revision, including the positive opinion from the Regulatory Scrutiny Board on 18 November, the discussions on the commission work plan and the commitment to the fourth quarter. COM discussed how the implementation of the essential use concept in the generic risk approach was intended, in the foreseeable future, for consumer products only, and that the implementation would likely not concern this sector of Aero Space (AS) as it will probably concern endocrine disruptors and not apply to articles.

COM pointed out that it is not relevant to wonder whether the criteria of essential use have changed compared to the Montreal protocol but rather see this as an implementation of the concept in the REACH regulation.

The parties in the discussion agree that the system of authorisation is not perfect at the moment as we can see in the chromium case and other relevant case law, there are too many applications submitted to ECHA.

COM agrees that the substitution plans will not be in charge of the Commission but rather at the level of ECHA and potentially other agencies.