

Position paper on an Inception Impact Assessment (IIA): Revision of EU legislation on REACH of chemicals

APPLiA views on proposed objectives and policy options of the IIA

APPLiA, representing EU manufacturers of home-appliances, including large domestic appliances, small domestic appliances and heating, ventilation, and air conditioning (HVAC) equipment, would like to provide the European Commission with the views of the sector and further recommendations regarding the objectives and policy options as proposed in the IIA called "*Revision of EU legislation on registration, evaluation, authorization and restriction of chemicals*".

APPLiA would fully support any proposed objective and policy option from the Commission that would commit to harmonise, simplify, and strengthen EU rules on chemicals, as well as how to create and enhance the synergy between existing EU agencies and scientific bodies to effectively work together towards a process where substances are only reviewed by one agency. This would consequently build a coherent framework to risk-manage chemicals in Europe and further clarify some existing grey zones between different pieces of chemical-legislations.

As a primary key message from the home appliance sector, we would like to highlight that a risk-based methodology should remain the fundamental principle to properly assess, especially with regards to *proportionality*, and further manage chemicals in the European Union. Therefore, we cannot support any proposal which would further undermine risk-assessment procedures within REACH by the introduction of new unclear concepts and definitions.

On the Mixtures Assessment Factor (MAF) proposal as stated in the IIA, we would like to recommend that **any stated positive cocktail effect should be based on strong and reliable scientific evidence**.

Regarding the proposal to simplify communication in the supply chains, we strongly believe that setting **clear EU-rules and obligations on information exchange** to each actor of a supply chain, while not forgetting to consider current **sector-specific complexities**, would improve the flow-of-information and establish a smooth transfer of relevant data up and down. The transfer of information should provide the essential data to carry out appropriate risk-assessment, and further risk-management procedures at each level of a supply chain.

Concerning the proposal to reform the restriction process under REACH, particularly on "extending the generic risk approach to restrictions to endocrine disruptors, PBT/vPvB substances, (...)", we would **challenge this proposal to set a "generic approach to risk management" as a default option** for the assessment and management of chemicals in any product legislation, including consumer product legislation, since this latter would consequently implement the Precautionary principle, irrespective of Substances-of-Very-High-Concern (SVHC) exposure and vulnerability of downstream users, such as consumers. As such, APPLiA recommends keeping on further strengthening the current approach to risk assess and manage SVHC on a case-by-case basis, and for each specific use, through existing sector-specific legislation.

If the Commission would implement 'as is' its proposal for a generic approach to risk management, APPLiA expects severe use limitations of numerous substances (and their structurally related substances)



in electric and electronic (EEE) products, without any relevant benefit to human health or the environment, as SVHC use in EEE products is already properly risk managed and controlled.

Indeed, we would like to remind competent authorities that even if a substance would be hazardous, it could still be properly risk managed, controlled, and further used in EEE products without provoking adverse effects on human health or the environment.

Lastly, regarding “operationalizing the concept of essential use in restrictions, including the criteria for granting derogations”, we would like to share the next messages and further recommendations from the home appliance sector:

- The concept of “essential use” as set under the **Montreal Protocol¹** **cannot and should not be transposed *per se*** to define “essential uses” within the context of the REACH. Indeed, these two legislations are not comparable to one another. Both instruments have very different backgrounds or starting points, scopes, and objectives. In that context, it is arguable whether an adaptation of the Montreal Protocol’s concept on “essential uses” would be able to accommodate these various backgrounds, scopes, and objectives, and we believe that **thorough discussions about criteria** for the definition of “essential uses” will still be needed among all stakeholders.
- Currently, the European Commission does **not have the mandate to implement such a concept under REACH**, i.e. a legal clarification of the “essential use” concept, its criteria and scope would be required within the context of the REACH restriction process.
- As already mentioned at the beginning of this paper, a risk-based methodology should remain the fundamental principle to properly assess, and further manage chemicals in the European Union. We cannot support any proposal which would undermine risk-assessment procedures within REACH.

In the case-scenario where the concept of “essential uses” would be further developed by the Commission, we would like to kindly ask competent authorities to address the next question: *Which would be the process to define an “essential use”? Who will define what is an “essential use”? Who will build up the criteria to define an “essential use”?*

APPLiA and its members would like to thank the competent authorities for their consideration of this position paper.

We remain at your disposal to discuss the points we have raised above. Please do not hesitate to contact us via email: lara.carrier@applia-europe.eu.

APPLiA - Home Appliance Europe represents home appliance manufacturers from across Europe. By promoting innovative, sustainable policies and solutions for EU homes, APPLiA has helped build the sector into an economic powerhouse, with an annual turnover of EUR 50 billion, investing over EUR 1.4 billion in R&D activities and creating nearly 1 million jobs.



¹ Montreal Protocol on Substances that Deplete the Ozone Layer. Available online [here](#).