



EUROPEAN
TYRE & RUBBER
manufacturers'
association

Brussels, February 2017

"REACH REFIT REVIEW"

ETRMA, the European Tyre and Rubber Manufacturers' Association¹ welcomes the opportunity to participate in the consultation for the REACH REFIT evaluation

In general we think REACH is an established and working regulation.

Although we represent above all downstream users making articles without further registration obligation as such, it seems that especially throughout the **registration process**, information and knowledge on chemicals for risk management is truly enhanced due to the generation of date in hazard and risk assessments. If this also truly attributes to the protection of consumers, workers and the environment will still need further proof and substantiation in the years to come, depending on the deployment and outcome of evaluation, authorisation and restriction and above all enforcement.

Authorisation should focus on substances that have a real concern. According to the SVHC Roadmap only 'relevant' SVHCs should be included in the Candidate List. This shall be revealed in the Risk Management Option Analysis. RMOAs are considered the appropriate tool to implement the legally binding principle of proportionality and choosing the best RMO.

Workplace legislation should be fully recognised as Risk management Option (RMO) by REACH authorities

When an RMOA finds that risks are limited to the workplace, the authority conducting the RMOA should first evaluate how the risk at the workplace is addressed and whether further RMO are necessary instead of just looking at intrinsic properties of a substance. Already under OSH the substitution objective is the preferred RMO. In this respect, article 57.f (equivalent concern) does not naturally facilitate predictability.

Another point is the discrepancy between RAC-reference DNELs and EU-wide OELs:

RAC is deriving non-legally binding reference DNELs for instance for authorisation applications, which are not in line with existing OELs and might be different from values in the registration dossier, too. Although registration dossiers should be updated this does not mean that the lead registrants will consider non-legally binding values and Downstream Users will be left with diverging information (before the sunset date).

A further issue is the **overlap of CLP and REACH**. Although they share concepts there is no 100% harmonised application. This might create for confusion for instance for importers. Mildly said the notification of classification is a disarray and diverging self classification are put on same level as harmonised classification from registrations dossiers when substances are prioritised for regulatory checks. There is no follow or intervention from ECHA/authorities in case of wrongly reported information.

¹ ¹ ETRMA represents 11 tyre manufacturers ((Bridgestone Europe, Michelin, Goodyear Dunlop Europe, Continental, Pirelli, Hankook, Cooper Tires, Nokian Tyres, Apollo Vredestein, Marangoni, Trellborg Wheel Systems) active in Europe with 91 production facilities in 21 member states and 18 research centres. as well as the major national General Rubber Good Association

The fast track procedure for **restriction** (Art. 68.2) has impacted our industry in particular and should not be applied without proper scientific justifications (example of PAHs restriction in consumer products) and without available harmonized test methods. A precise and scientifically-based scope of the restrictions is needed. Additionally, the use of terminology such as “normal foreseeable conditions” and “prolonged repetitive contact” have led to interpretation problems

In general harmonized EU or international test methods shall be available for restriction/authorization to guarantee enforceability.

All **enforcement** action should be aligned throughout the EU and applicable for EU and non EU companies and any different treatment should be avoided.

Competitiveness problems might arise as could be shown with respect to the PAHs in oils restriction and its non-enforceability:

ETRMA conducted two surveys on how the tyre restriction was respected. This included imports from tyres. It turned out that ca. 10% of imported tyres of (which were all from **non ETRMA members**) were non compliant and had entered the EU without any enforcement. ETRMA’s study also revealed that Member States lack resources, planning, and technical capabilities and testing facilities.

In this respect, as stated, restrictions shall be aligned with harmonised test methods to be used.

Although there is always room for improvement, we consider the REACH Regulation as generally well on its way and there should certainly not be any amendments to the legal text as such to further allow a stable and unchanged basis for its implementation. However, efforts should be made with respect to improving the implementation and above all efforts harmonized and reliable enforcement should be one of the main aim for the years to come.