



Colloque **Politiques
de régulation
des produits chimiques**

**Incidences et effets d'entraînement
du règlement européen REACH**

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SESSION 1
THE REGULATION OF CHEMICALS OUTSIDE THE EU.
IMPLICATIONS AND DOMINO
EFFECTS OF THE REACH REGULATIONS

Mission (nearly) impossible:
enhancing competitiveness, innovation
and environmental protection under REACH

Olivier Fuchs

THE OBJECTIVES

The purpose of this Regulation is to ensure a high level of protection of human health and the environment, including the promotion of alternative methods for assessment of hazards of substances, as well as the free circulation of substances on the internal market while enhancing competitiveness and innovation.

→ Is this mission impossible?

I. A mission which seems to be impossible

- a. Duality from the birth
- b. Stumbling blocks along the way

II. The reasons to believe REACH will meet article one's objectives

- a. A modern tool to manage chemical risks
- b. In the long run, a virtuous circle

I. a. Duality from the birth

- Business coalition vs green coalition

- A discussion which became increasingly polarized:

- business coalition: economic growth, competitiveness, « workability » of the new system, complexity, unnecessary red tape, catastrophic tone

« We are indeed going to de-industrialize Europe »

E. Vosherau, Cefic, 2003

- green coalition: environmental and health concerns, boosting innovation and the economy in the long run, catastrophic tone

- Strategies used (examples):

- business coalition: underlining the costs of REACH, multiplication of private impact studies

- green coalition: scientific evidence, blood-testing campaign (MEPs, M.Wallström)

- From the Environment to the Competition council

I.b. Stumbling blocks along the way

- The issue of **costs and competitiveness**
- **Legal uncertainties**
 - Interpretational issues
 - Mind the gap: REACH and other legal instruments
- **Practical issues**
- **Authorisation process:**
 - Risks arising from SVHC substances / economically and technologically viable alternative substance
 - How many substances?
- And many others...

II.a. A modern tool to manage chemical risks

- Regulatory principles

- A preventive approach
- Self-responsability
- Inclusiveness and transparency
- Pragmatic approach

- REACH rests on the **contemporary principles of environmental law and of an efficient regulation**

- REACH is **polymorphic**: compliance and efficiency are not dependent on a single tool, such as a panel of sanctions for example, but are designed to be the result of a variety of tools.

II.b. In the long run, a virtuous circle

- Ensuring a higher level of protection of health and of the environment

- Higher level of awareness and knowledge
- A stronger practice of self-selection –either positive (comparative assessment) or negative (suspicion)
- An international « upward harmonisation »

-Costs and competitiveness

- Crucial issues
- Current financial and economic crisis
- Make Europe the leader in the management of chemical risks
- Strengthening of a European economy based on knowledge and leading technologies
- Social costs