Ms. Elżbieta Bieńkowska, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs

CC:
Mr. Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries
Mr. Antti Peltomäki, Deputy Director-General, Enterprise and Industry Directorate-General

European Commission
Rue de la Loi 200
B- 1049 Brussels

Brussels, 1 June 2015

EEB reaction to European Commission statement about the alleged burden of EU chemical laws

Dear Commissioner Bieńkowska,

We read with concern the declarations made last Thursday during the Helsinki Chemicals Forum by Mr Antti Peltomäki, Deputy Director-General of Enterprise and Industry Directorate-General, on behalf of the European Commission about the apparent impacts of REACH. The declarations, reported in the media last week, lack any factual support.1

It is, to say the least, disturbing to hear the Commission imply that REACH may be undermining innovation and the chemicals sector in Europe without any proof beyond a survey sent to companies. On the contrary, evidence suggests that REACH is stimulating innovation given that for half the substances under the REACH authorisation regime, no application for specific use was received. This means that those substances of very high concern are no longer used in the EU market and are likely to have been substituted with alternatives.

As we wrote in our letter dated 20 May, it is widely acknowledged that REACH (in particular the authorisation process) works. This was made clear during the conference "Lessons learnt on applications for authorisation" organised by the Commission and the European Chemicals Agency (ECHA) in February 2015, which revealed broad agreement on the significant benefits of the REACH authorisation process for business, health and the environment.

Regarding Mr Peltomäki’s suggestion that: “Regulation may be undermining the chemicals sector in Europe,” we would like to highlight that leading chemical companies agree that producing safer chemicals is good for business. BASF, in response to a question from Euractiv on REACH, innovation in the chemicals sector and bringing safer products to the market, answered “I think at the end, it is worth the money”. Similarly, a survey by the EU metal industry association Eurometaux revealed that 60% of companies recognise the benefits of REACH to help them to communicate to users the hazards and risks of the substances they manufacture, and to become more proactive on chemicals management.

Indeed, most studies performed to date show the great benefits of regulating (hazardous) chemicals for innovation as well as for health and the environment. The report ‘Driving innovation – how stronger laws help bring safer chemicals to the market’, produced by the Centre for International Environmental Law (CIEL), shows that stronger laws encourage innovation. Likewise, a new report by a US-based business advocacy group evaluating the business and economic value of safer chemistry demonstrates that safer chemicals are the future for health, safety and business.

Moreover, it is worth noting the large differences between the exaggerated economic costs claimed for new legislation versus the real outcome, as highlighted by the recent “Cry Wolf” report from our member organisation ChemSec.

Finally, the impact on firms’ competitiveness and their capacity to innovate should clearly be balanced with the billions of Euros that chemical exposure is estimated to cost the EU in terms of damage to health and the environment.

REACH was designed to effectively protect human health and the environment from exposure to dangerous substances while unleashing the potential of European businesses to develop innovative, safer alternatives. We consider that overall, REACH is working to achieve all its aims. We therefore call on the Commission to properly analyse the long-term benefits of the law for innovation, public health and the environment instead of making ill-founded statements that create uncertainties for companies and increase public distrust.

European citizens expect the Commission to protect them and the natural environment from hazardous chemicals. The Commission should therefore act without delay to fulfil this duty while promoting innovative, safer chemicals and products that will ensure a resilient European economy.

Yours sincerely,

Jeremy Wates,
Secretary General

In view of the public interest in this matter, we intend to make this letter publicly available.