International Workshop: Consequences of REACh for other legal and administrative environmental instruments
Evaluating the Environmental Effectiveness of REACh (REACh:EEE)
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REACH and other sectoral environmental legislation: potential synergy effect

Interface Problems between EC Chemicals Legislation and sector specific Environmental Legislation (IPPC/WFD)

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Core Question: Benefits from REACh …

… to Sectoral Environmental Law?

… and vice versa?

focus on

- substances under the registration regime
- and their conjunction with sector specific Environmental Legislation (e.g. IPPC, WFD)

Overview

From “toxic ignorance” …
… to cooperative risk management?

I. Benefits from REACh

II. Contribution of sectoral environmental legislation to REACh-Implementation

III. Establishing “links” between REACh and sectoral environmental legislation

IV. Amendments in REACh

I. Output of registration procedure

1. Information on …
   - adverse effects (“hazard identification”)
   - quantitative „thresholds“ (PNEC/DNEL)
     - based on standardised tests (carried out in self-responsibility by industry)
2. Risk communication
   - regulative objective: „adequate protection “
   - safety data sheet; incl. exposure scenario(s)
   - probably more important: direct interaction (informal)

I. Output of registration procedure

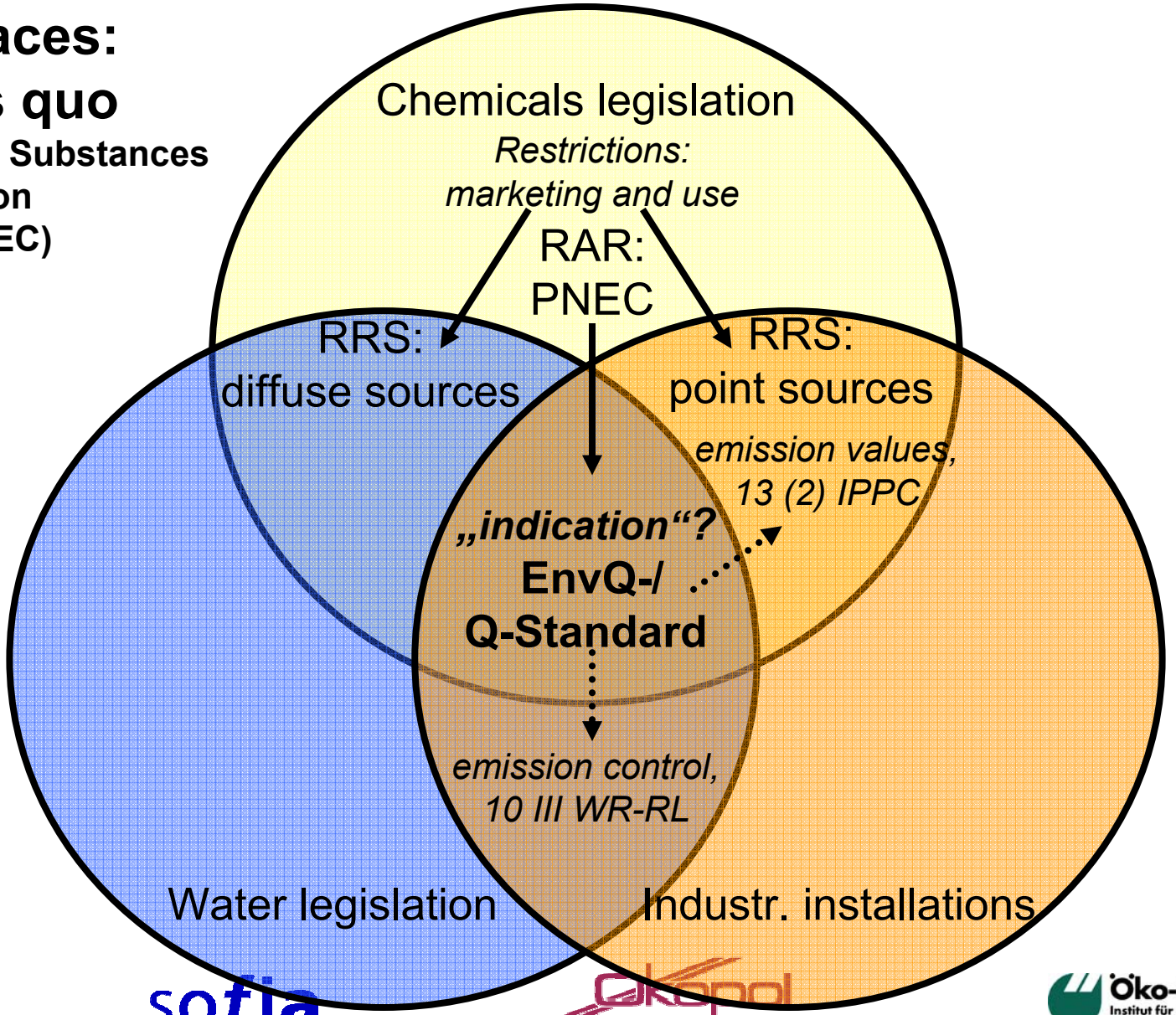
3. Interfaces: sectoral environmental legislation
   - coexistence of the different sectoral approaches
   - links are not yet established
   - relevant for implementation of sectoral
     - *Hazard identification* with link to specific provions (waste, air)
     - *Immission related:* quantitative „thresholds“ (PNEC/DNEL)
     - *Emission related:*
       risk reduction measures + exposure scenario(s)
4. Quality of the registration dossiers
   - neuralgic point

II. Contribution of sectoral environmental legislation to REACh-Implementation

1. Well established implementation and enforcement procedures
   - Environmental permits
   - specific technical provisions (water, air, waste)
     - often based on sum-parameters, not on single substances
   - Problem: lack of manpower
     (and understanding of the REACh mechanisms)
2. Good Knowledge of the local situation
   - in the industrial installations
   - regional environmental media

Interfaces: status quo

(Existing Substances Regulation 793/93/EEC)



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III. Establishing links: Regulatory options

- Initial Considerations
  - strict connection → Problem: validity of the information in the registration dossier
  - loose connection → Implementation only on the basis of self-responsibilit

Solution: cooperative approach

using the **specific capacity**:

- chemicals law:
  - generating information on substance properties
  - REACh: Initiate cooperation of actors along the value chain?
- sectoral law: using their specific scope of application

III. Establishing specific links

1. EC-level
   - Regulation/Directive
     - Amendment of IPPC/WFD: Establish specific links explicitly
       - General provision: PNEC/DNEL as minimum "(environmental) quality standard",
         - » e.g. Art. 10 (3) WFD/Art. 10 IPPC
     - Inclusion in REACh-Process?
       - PNEC/DNEL accessable in REACh database (Art. 119 (1) f REACh) incl. information on the background of the data
   - Guidance Documents
     - TGD-Risk Reduction Implemention (Assistance: Priority setting; „translation" of REACh outcome)
     - Incorporation of exposure scenario(s) in BREFs ?

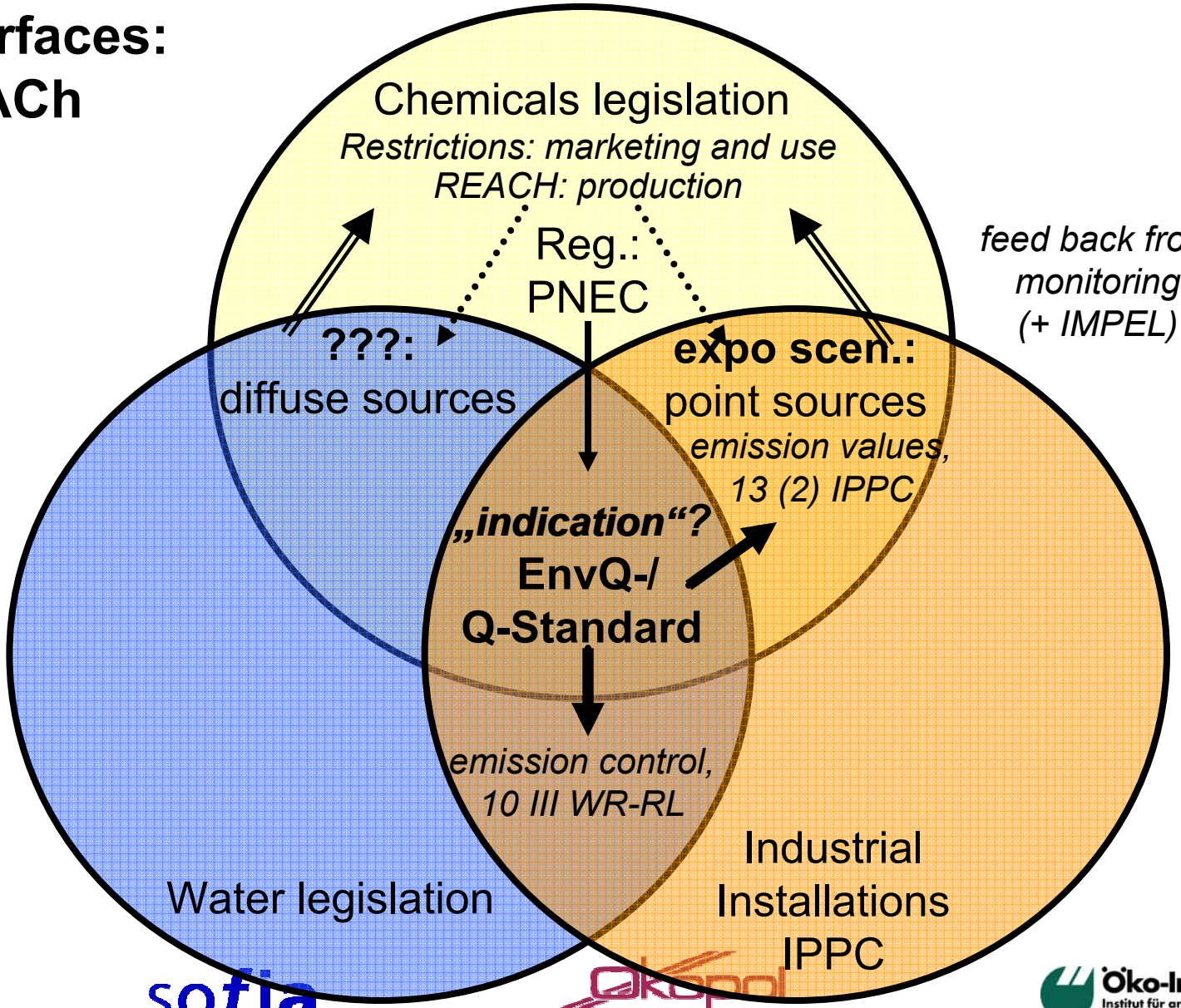
III. Establishing specific links

2. National level
   - Legal assumptions (PNEC = quality standard)
   - Regulative level (e.g. waste water regulation)
   - Implementation guidelines (Technical Instruction on air quality)

III. Establishing specific links

3. Monitoring
   - General transparency provisions: Emission-/material flows register
     - EPER/PRTR
     - model TRI?
   - Installation-/media-specific provisions
     - WFD
     - IPPC

Interfaces: REACh



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IV. Amendments in REACh

1. „No data, no market!“
   - Insufficient registration dossier?
   - No explicit provision on withdrawal
2. (Nano-material)

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Thank You for Your Attention

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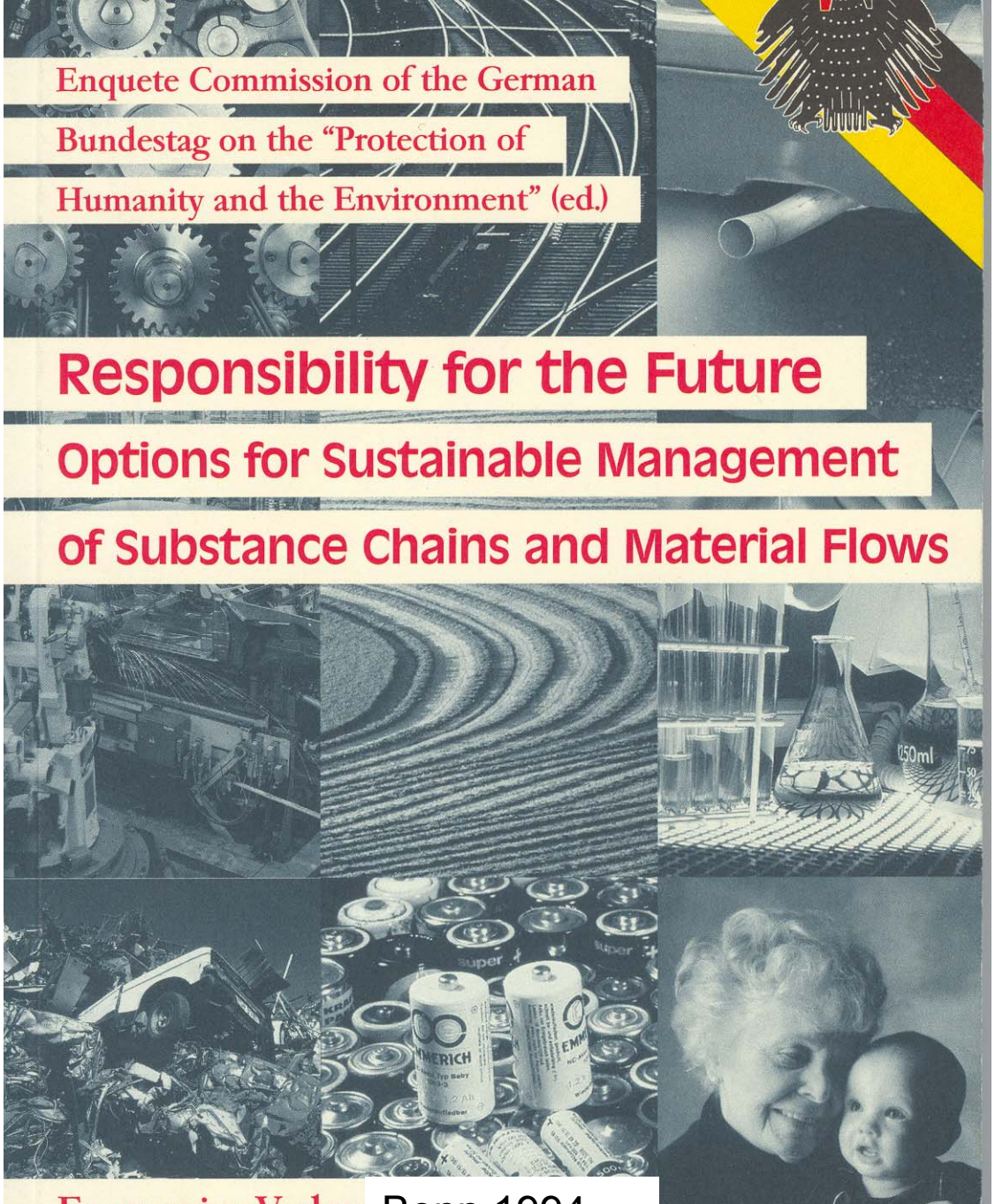

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Selected literature on materials flows institutional framework and the “interface problem”

- Mind the Gap - Interface Problems between EC Chemicals Law and sectoral environmental legislation; Führ, M./Merenyi, S., Review of European and International Environmental Law (RECIEL) 15 2006 (3), 281-292.
- Risk management under REACh - Requirements of technical and organisational guidance for producers, importers and downstream users; Führ, M./Krieger, N.; in: elni-review 2006, 7-15.
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- Enquete Commission of the German Bundestag on the „Protection of Humanity and the Environment“ (ed.): Responsibility for the Future – Options for Sustainable Management of Substance Chains and Material Flows, Bonn 1994 (Economica).
- Führ et al.: Institutionelle Bedingungen zur Förderung proaktiver Strategien - Vergleichende Analyse internationaler Ansätze im Bereich des Umweltverhaltens von Unternehmen, Führ, M. unter Mitarbeit von Bizer, K./Gebers, B./Roller, G., in: Enquête-Kommission "Schutz des Menschen und der Umwelt" (Hrsg.), Umweltverträgliches Stoffstrommanagement, Bd. 2: Instrumente, Bonn 1995 (Neudruck: Sofia-Studien zur Institutionenanalyse Nr. 99-1).
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