

Consequences of REACH for environmental licenses and permits, the Dutch situation

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1. Aims of the project consequences of REACH for environmental licences and permits

Aims of the project:

1. Listing the consequences of REACH for environmental licensing (water and air)
2. Listing and giving substance to requirements of licensing authorities concerning REACH and licensing
3. Giving information to licensing authorities about the consequences of REACH for licenses and permits

→ 2. Environmental licenses and permits in the Netherlands (1)

Types of environmental licenses in the Netherlands:

1. Dutch environmental management act

- Manufacture, use, storage and emissions to air of chemicals
- Netherlands emission guidelines for air (NeR)
- Environmental quality standards

2. Pollution of surface water act

- Emissions to water of chemicals
- General assessment methodology in respect of water
- Environmental quality standards

3. 8.40 General order in council (no license)

→ 2. Environmental licenses and permits in the Netherlands (2)

Phases in the process of applying for and granting environmental licenses and permits:

1. Preliminary consultations
2. Applying for a permit
3. Admissibility evaluation
 - Opinion that the application and substance information in the application are sufficient or
 - Opinion that the application and information are insufficient
→ applicant may provide additional information
 - Decision whether or not to consider the permit application

→ 2. Environmental licenses and permits in the Netherlands (3)

Phases in the process of applying for and granting environmental licenses and permits:

4. Decision about granting or rejecting the permit
5. Drawing up a positive decision
6. Reviewing permits

Following sheets:

Points of interest by phase



3. REACH in the process of applying for and granting environmental licenses and permits (1)

Phase 1: Preliminary consultations:

1. Licensing authority prescribes which substance information the applicant must provide (see overview of REACH substance information and its relevance for licenses)
2. More substance information becomes available through REACH
3. Licensing authority may also ask confidential REACH information, if required for the permit
4. REACH will be introduced in stages
5. Substances of < 1 tonne and certain substance categories are exempt from an obligation to register under REACH

3. REACH in the process of applying for and granting environmental licenses and permits (2)

Phase 2: Applying for a permit:

1. When applying for a permit under the Pollution of Surface Waters Act, the company must include substance information when using the Dutch “General Assessment Methodology”
2. The company must provide sufficient substance information (see also substance information circular)
3. The company must indicate which substances are subject to authorisation or restrictions on the basis of REACH
4. When applying for a permit, the company does not need to prove it complies with REACH



3. REACH in the process of applying for and granting environmental licenses and permits (3)

Phase 3: Admissibility evaluation

1. Licensing authority does not question if the company meets its REACH obligation to provide substance information, but its obligation to provide information in context of the permit
2. Checking substance information on suspicion of incorrectness
3. Worst-case approach in case of insufficient substance information is not allowed
4. If there is insufficient substance information, the licensing authority allows the applicant to provide more details
5. Licensing authority takes the decision whether or not to consider the application



3. REACH in the process of applying for and granting environmental licenses and permits (4)

Phase 4: Decision about granting or rejecting the permit

1. Non-compliance with REACH authorisation obligation or restrictive measures are reasons for refusing the permit
2. Refusal is also in the interest of protecting the environment

Phase 5: Drawing up a positive decision

1. Using additional substance information
2. Regulations in permit do not violate the REACH authorisation obligation or restrictions



3. REACH in the process of applying for and granting environmental licenses and permits (5)

Phase 5: Drawing up a positive decision (continued)

3. General Assessment Methodology already considers the properties of substances on the prospects list for substances subject to authorisation
4. Further requirements are possible on the basis of other international obligations (e.g. IPPC, Water Framework Directive) or local circumstances (exceeding environmental quality standards)
5. Regulations for isolated intermediary products
6. Consideration



3. REACH in the process of applying for and granting environmental licenses and permits (6)

Phase 6: Reviewing permits

1. Permit regulations exceed REACH:

- No problem
- Additional emission-restrictive requirements and regulations allowed to restrict the production or use in the installation

2. Permit regulations do not exceed REACH:

- Part of the permit in breach of REACH does not apply (authorisation, restrictions, management measures)
- Adaptation or amendment to the permit is required
- No peak in adaptation or amendment permits



4. Available publications and tools

Currently available:

- Memorandum consequences of REACH for licensing
- REACH helpdesk for business community and licensing (water and air)

Coming shortly:

- Guideline for the consequences of REACH for licensing
- Summary of available and relevant REACH information for licensing
- Reviewed circular on substance information



5. REACH and other environmental instruments (1)

1. REACH enforcement framework
2. REACH and international instruments such as the Water Framework Directive and IPPC
3. REACH and environmental permits (indirect discharges)
4. REACH and order in council 8.40
5. REACH and the Government Information (Public Access) Act
6. REACH and environmental quality standards for substances
7. REACH and licensing under the Netherlands Emission Guidelines for Air and the General Assessment Methodology



5. REACH and other environmental instruments (2)

8. REACH and national priority substances list and blacklisted substances
9. GHS, General Assessment Methodology and licensing
10. GHS and ADR



6. Further current activities

1. Taking care of various publications about the consequences of REACH for licensing
2. Information meeting(s) for licensing authorities about the consequences of REACH
3. Written information to licensing authorities about the consequences of REACH
4. Processing the consequences of REACH in the Netherlands
Emission Guidelines for Air
5. Mapping the consequences of GHS for licensing
6. EU workshop about consequences of REACH for other environmental instruments in Berlin on 11 and 12 October 2007