



Invitation:

## Consequences of REACH for other legal and administrative environmental instruments.

[Evaluating the Environmental Effectiveness of REACH (REACH:EEE)]

### General Information

Date:	October 11 & 12, 2007
Place:	10623 Berlin, Straße des 17. Juni 112; Ernst-Reuter-Haus, Room A
Organisation:	Federal Environment Agency (UBA), Germany and The Ministry of Housing, Spatial Planning and the Environment (VROM), The Netherlands
Costs:	Participation is free of charge Travel and hotel costs are not included
Deadline for registration	October 5, 2007
Target group	Governmental and administrative authorities only (national and local)
Language	English only

# Consequences of REACH for other legal and administrative environmental instruments

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## Content

Programme .....	3
Day 1: Impact of REACH on local or sectoral instruments to control risk reduction measures: environmental (emission and quality) standards and monitoring.....	3
Day 2: Impact of REACH on environmental licenses and the Water Framework Directive .....	4
Description of the Working Groups on Day 1 (14:00 – 15:45) .....	5
Working Group 1 Emission related strategic issues (Exposure scenarios, installations, water, waste) .....	5
Working Group 2: Immission based strategic issues of monitoring (Environmental quality standards, biota, marine water, soil).....	5
Working Group 3 Substances of very high concern (SVHC): precaution and strategic points for an integrated monitoring .....	6
Description of the workshops on Day 2 (10:30 – 13:30).....	7
Workshop 4: Consequences of REACH for environmental licensing. ....	7
Workshop 5: REACH and the Water Framework Directive.....	7

# Consequences of REACH for other legal and administrative environmental instruments

[

## Programme

We invite participants to contribute points of interests to the workshops.

### Day 1:

#### Impact of REACH on local or sectoral instruments to control risk reduction measures: environmental (emission and quality) standards and monitoring.

10.30 – 11.00	Welcome coffee and registration
11.00 - 11.15	Opening of the Workshop <i>Alexander Nies</i> , Federal Ministry for the Environment, Natural Conservation and Nuclear Safety
11.15 - 11.30	Main issues and targets of the workshop <i>Adolf Eisenträger</i> , Federal Environment Agency (UBA) Keynote speeches:
11.30 – 12.00	REACH and other sectoral environmental legislation: potential synergy effect <i>Martin Führ</i> , sofia (Darmstadt)
12.00 - 12.30	Report on the activities in the Eurostat Project: „Baseline Study“ and the consequences of REACH for this project <i>Christian Heidorn</i> (EUROSTAT)
12.30 – 13.00	Report on the points of discussion in the Commission working (sub)group on enforcement/CLEEN and others (FLIC), <i>Ulrike Kowalski</i> , Federal Institute for Occupational Safety and Health (BAuA)
13.00 – 14.00	Lunch
14.00 - 15.45	Working groups: three parallel sessions (see page 4) <ol style="list-style-type: none"><li>1. Emission related strategic issues (Exposure scenarios, installations, water, waste)</li><li>2. Immission based strategic issues of monitoring (Environmental quality standards, biota, water, soil)</li><li>3. Substances of very high concern (SVHC): precaution and strategic points for an integrated monitoring</li></ol>
15.45 – 16.00	Coffee break
16.00 - 16.45	Plenum discussion based on the results of the working groups (typical obstacles, best practise examples and common targets)
16.45 – 17.00	Summary and evaluation of the day <i>Christiane Heiß</i> , Federal Environment Agency (UBA)
17.30	Departure for dinner
18.00	Get-together at the Café Campus
18 30	Dinner

## Consequences of REACH for other legal and administrative environmental instruments

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### Day 2:

#### Impact of REACH on environmental licenses and the Water Framework Directive

09.00 – 09.15	Review day 1 and introduction day 2 <i>Adolf Eisenträger, Federal Environment Agency (UBA)</i>
09.15 – 09.45	Consequences of REACH for environmental licenses and permits, the Dutch situation <i>Kaj Locher (Ministry of Housing, Spatial Planning and the Environment (VROM))</i>
09.45 – 10.15	REACH and the Water Framework Directive <i>Arnold van der Wielen (Ministry of Housing, Spatial Planning and the Environment (VROM))</i>
10.15 – 10.30	Coffee break
10.30 – 11.30	Working group sessions Workshop 4: Consequences of REACH for environmental licensing Workshop 5: REACH and the Water Framework Directive
11.30 – 12.30	Working groups sessions Workshop 4: Consequences of REACH for environmental licensing Workshop 5: REACH and the Water Framework Directive
12.30 – 13.30	Lunch
13.30 – 14.15	Plenum presentation of results from the working groups and discussion
14.15 – 15.00	Summary and discussion of follow up steps Petra Greiner, Arnold van der Wielen
15.00	End of workshop

## Consequences of REACH for other legal and administrative environmental instruments

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The overall topic of the working groups is the area of tension between REACH implementation and the sectoral environmental legislation for the authorities in the Member States. We will outline the consequences of REACH for existing environmental surveillance and legislation referring to the outcome of some research and development projects. We realized that we came to quite similar conclusions although the projects worked independently. UBA projects focussed mainly on the perspective of industry and their new responsibilities, while RIVM outlined the challenges of REACH for local authorities.

### **Description of the Working Groups on Day 1 (14:00 – 15:45)**

The working groups may propose recommendations as well as issues that need further clarification. The following descriptions outline points of discussion and the focus of each group.

Please mind that working groups at the first day will take place only once and participants have to decide between them, whereas working groups at the second day will be repeated and allow to attend both.

#### **Working Group 1 Emission related strategic issues (Exposure scenarios, installations, water, waste)**

REACH requires exposure scenarios for certain classified substances. Exposure scenarios describe the conditions that have to be fulfilled to use a substance safely, including necessary risk management measures. Exposure scenarios cover all lifecycle stages. All users of the substances have to communicate and implement them as part of their substance stewardship.

Sector related environmental legislation focuses on emissions of 'main pollutants' and emission limit values are mostly based on technical feasibility (BAT). Only a few substances of concern are limited individually, whereas most are included in sum parameters like BOD or AOX.

In working group one the likely content of exposures scenarios (state of play in the REACH implementation projects) will be introduced and the usefulness of their emission related information for the environmental authorities will be discussed. Furthermore, opportunities and conflicts related to exposure scenarios with regard to the shift of responsibility towards enterprises will be presented.

This workshop focuses on the following topics:

1. Identification of information types in exposure scenarios relevant for environmental surveillance
2. Identification of interfaces between REACH and EC-wide/national emission control systems;
3. First recommendations for achieving synergies in permitting and or enforcement of either legislation;
4. Conclusions for the use of emission related data from exposure scenarios;
5. Conclusions for the cooperation between authorities;
6. Conclusions for the cooperation between enterprises and authorities

#### **Working Group 2: Immission based strategic issues of monitoring (Environmental quality standards, biota, marine water, soil)**

At present, several types of immission limit values exist for the risk characterisation of substances. Since June 2007, REACH requires the derivation of specific "reference values" such as PNECs, DNELs and DMELs for the risk characterisation – indicating whether the

## Consequences of REACH for other legal and administrative environmental instruments

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intended uses of the substance is safe or not. Until November 2010, these values will be available at least for all high production volume chemicals classified as dangerous or characterized as PBT / vPvB substances.

The second working group will discuss the function of these reference values within REACH – and their possible role as indicator values for a monitoring. This monitoring can be part of the environmental policy of the enterprises as well as part of the national regulatory systems. Discussion of experiences with existing systems of quality standards for an immission based- monitoring will be an important element of this working group.

This workshop focuses on the following topics:

- (1) Identification of immission based strategic points of monitoring;
- (2) Identification of interfaces between REACH and existing monitoring systems;
- (3) Recommendation for an exchange of experiences from existing systems;
- (4) Conclusions for the implementation of an immission based monitoring;
- (5) Conclusions for the cooperation between authorities;
- (6) Conclusions for the cooperation between enterprises and authorities

### **Working Group 3 Substances of very high concern (SVHC): precaution and strategic points for an integrated monitoring**

Substances of very high concern are subject to an even more demanding legislation than chemicals under the “normal” registration regime. Under REACH they may be included in Annex XIV and thereby become subject to a completely new authorisation-system. This consists of several systematic steps ranging from the identification of a substance as a SVHC, listing on the candidate list up to the final inclusion in Annex XIV.

Many details concerning the authorisation procedure are unclear yet, esp. the distribution of duties between authorities and the applicant and necessary information to be included in the application (e.g. estimation of emissions from point and diffuse sources, options to measure and minimise emissions and exposure, duties and coverage related to monitoring of SVHCs, etc.)

In this working group, three documents will be presented dealing with the afore mentioned topics:

1. A checklist proposing which information the applicant should submit in an application for authorisation.
2. A checklist containing possible obligations, which might be included in the authorisation by the Commission.
3. A draft proposal for an additional Annex XIVa to REACH, outlining the elements of a monitoring concept for SVHC.

This workshop focuses on the following topics:

1. Identification and description of the role of the applicant, the Commission and the ECHA (European Chemicals Agency) as well as the national Competent Authorities starting with the process from taking decisions on applications for authorisations up to the post-authorisation monitoring and review obligations.
2. Building blocks of the application decision (with special regard to monitoring requirements)
3. Enforcement of the application decision (also with special regard to monitoring requirements): starting points, procedures and competences.
4. Recommendations on the usefulness of the three documents.

### Description of the workshops on Day 2 (10:30 – 13:30)

#### **Workshop 4: Consequences of REACH for environmental licensing.**

REACH is directly applicable in every member state. As such all member states have to implement the national obligations of the regulation in their national regulatory system. Because every state has its own specific legal system, the impact of REACH on the implementation of the national environmental legislation may vary considerably. For instance in the Netherlands local authorities provide licences under the provision of the Dutch Environmental Management Act and the Pollution of Surface Waters Act. In addition to that there are several instruments which support the issuing of licences. Both local regulation and instruments take into account the rules and measures laid down in European legislation. Sometimes they cover additional rules and measures. As REACH sets up a system, which generates information and measures on chemicals it is wise to get insight in the impact of REACH on the system of environmental licensing. Since every member state has its own legal system, setting up a blueprint on how to deal with potential consequences is not possible. However, discussion on the matter intends to get for each participant understanding of the consequences in implementing REACH in national regulations and might support the individual implementation process. Moreover, the workshop may provide an overview of the impact in the member states participating in this workshop

This workshop focuses on the following topics:

- The practical consequences of REACH for the issuing of permits and environmental licences in the member states.
- Information generated under REACH and the usefulness of it for local permit authorities.
- The area of tension between obligations forthcoming from REACH (e.g risk management measures in Chemical Safety reports) and requirements from local permit authorities.
- The playing field for local permit authorities regarding companies requesting an environmental permit.

#### **Workshop 5: REACH and the Water Framework Directive**

Under the scope of the Water Framework Directive, WFD (2000/60/EC) member states are asked to set up a system for regulation and protection of the aquatic environment in Europe. Primary goals of the WFD are to achieve the desired quality of the water resources, to ensure that there is enough clean water for different uses. In order to reach those goals member states need to establish risk reduction measures for hazardous substances, specifically for priority substances. They shall particularly focus on the control of emission of contaminants from industries, households, and agriculture to the aquatic environment. The WFD prescribes that “good ecological quality” and/or “good chemical quality” should be reached in the water bodies no later than 2015.

Under REACH, for the registration of a substance, manufactures and importers need to assess potential risks of substances and if necessary implement control measures at their own sites and/or recommend risk management measures for a safe use of the substance by their customers. The risk management measure shall cover as far as possible the whole lifecycle of a substance. Part of the risk assessment is the generation of the so called

## **Consequences of REACH for other legal and administrative environmental instruments**

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Predicted No Effect Concentrations (PNEC) which can be considered as an environmental quality standard similar as the one mentioned in WFD. REACH also sets up a system for authorisation and restriction of substances. For (the review of) authorisations the regulation considers the emissions of substances to water to be adequately regulated by the obligations of the WFD. As such it takes into account the aims of the WFD. The question rise how the WFD connects to REACH with respect to setting up quality standards and measures to protect the aquatic environment.

This workshop focuses on the following topics:

- The (missing) links between REACH and WFD.
- The area of tension between the derived PNECs in the Chemical Safety reports and the requirements following the WFD.
- The relation between the environmental quality standards of the WFD and the process of authorisation process of REACH.