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# ‘Targeted’ stakeholder consultation - Study supporting the Commission in developing an essential use concept in chemicals legislation

Fields marked with * are mandatory.

**This questionnaire**

Wood E&IS GmbH (‘Wood’), in collaboration with Ramboll and additional scientific advisors, has been contracted by the European Commission to assist in the development and operationalisation of an ‘essential use concept’ to be applied horizontally in EU chemicals legislation. The terms of reference for this study can be found here. The work carried out under this contract is intended to feed into the following areas of ongoing work:

- Commission document on the horizontal criteria and application of the concept of essential use across chemicals legislation;
- The targeted revision of REACH;
- Revision processes of other pieces of chemicals legislation (such as the Food Contact Materials Regulations, Directive on the Restrictions of the use of certain Hazardous Substances in electrical and electronic equipment, End-of-Life Vehicles Directive, etc.), as relevant.

This questionnaire aims to support this study through consultation with expert stakeholders who can provide pertinent information and professional judgement or opinion on the practical application of introducing the essential use concept into REACH and other chemicals legislation, and of different options for doing so.

Please note that this questionnaire runs alongside the Commission’s ‘Public Consultation’ on the targeted revision of REACH and aims to collect more detailed information and insights than will be provided through that wider consultation.

The questionnaire is part of a number of consultation activities to support the project, including a workshop (held on 3 March 2022) and interviews with stakeholders.

This questionnaire is split into five sections:

- Section 1: General questions on your organisation
- Section 2: Questions on the horizontal concept of essential use
- Section 3: Questions on the essential use concept under REACH

- Section 4: Questions on the essential use concept under legislation other than REACH
- Section 5: Any other information

**Background to the essential use concept**

The Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment proposes the development of a horizontal essential use concept to apply across chemicals legislation. The Chemicals Strategy commits to "*define criteria for essential uses to ensure that the most harmful chemicals are only allowed if their use is necessary for health, safety or is critical for the functioning of society and if there are no alternatives that are acceptable from the standpoint of environment and health*"*.

The concept would contribute to reductions in the use, and consequently the emissions, risks and impacts associated with the most harmful chemicals. The concept has the potential to protect the environment and human health from the most harmful chemicals by facilitating their phase out in non-essential uses and thereby preventing potential human and environmental exposure.

The ongoing work for the review and the revision of REACH and of some other pieces of chemicals legislation (see above) presents an opportunity to improve existing chemical regulatory processes. Improving processes to phase out the use of the most harmful chemicals is imperative given the current challenges in chemical regulation, for example, complex and slow restriction processes and highly burdensome authorisation procedures under REACH. These limitations can delay decisions and actions to adopt appropriate risk management measures for the most harmful chemicals, and therefore can result in their release to the environment as well as exposure of consumers and workers. An essential use concept could, in principle, help address these limitations by introducing more simplicity, transparency, predictability, and efficiency to prevent uses that are not necessary or critical (in terms of human health and/or the functioning of society), or where alternatives exist. Furthermore, it could provide more regulatory certainty to businesses.

The development and application of an essential use concept is also intended to encourage innovation in safe and sustainable chemicals to be used as alternatives to the most harmful chemicals. Lastly, setting clear and robust criteria would allow justification of decisions on discontinuing or continuing uses of these substances.

It is acknowledged that a horizontal application of the concept could have far-reaching consequences compared to the current system and, therefore, it is key to involve and consult the various actors affected and/or active in the field of chemicals legislation. Other than the Montreal Protocol, which covers a very defined set of circumstances, there has been little practical application of the essential use concept in chemicals policy to date. It is therefore important to understand how the above potential benefits would be realised in practice and what the costs would be. The understanding of these impacts will be developed following the Commission's Better Regulation Guidelines, and will ultimately feed into the Impact Assessment for the targeted revision of REACH and potentially other legislation.

**Most harmful chemicals are defined in the Chemicals Strategy for Sustainability as chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative; chemicals affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ.*

## Completing the questionnaire

The questionnaire includes requests for information, data and opinions on the possible implications of introducing the essential use concept into REACH and other selected pieces of legislation.

The intended audience is a range of stakeholders, including regulatory authorities, industry, organisations representing civil society, and others.

If you do not have completely accurate information, please provide your best estimate.

If you are unable to answer any given question, please just move on to the next question.

We will not include details of you or your organisation's name or responses in the presentation or analysis of information, without your explicit authorisation.

## Statement on handling of confidential data for targeted consultation

It is recognised that some stakeholders may wish to provide confidential data as part of this consultation exercise. We have set out below the measures that we will take in order to protect any confidential information provided to the project team in connection with this work.

In particular, while information that stakeholders provide will be taken into account in our analysis, which will form the basis of our reporting to the European Commission, the measures that we will take to protect the data that stakeholders provide include:

- Ensuring that the confidential information provided will not be passed on to third parties outside the project team, directly or indirectly, partially or completely.
- Ensuring that the confidential information will only be made available to those project team members that need to know about it for the purposes of the project.
- Whilst the information provided is likely to be taken into account in the outputs (reports) from the contract, the confidentiality of the data will be preserved by:
    - Making anonymous all information relevant to specific companies, chemical substances and/or facilities within our reporting.
    - Not using the information provided for any purpose other than for this project.
    - Presenting uncertainty ranges in reported data (e.g. on quantities, emissions or costs) in order to avoid disclosing market-sensitive information.
    - Presenting aggregated data covering estimates for all companies and/or company average data, rather than data specific to individual companies.
    - Excluding other confidential information that stakeholders specify should not be included in the reporting.

If you require any further information or would like to discuss specific issues of confidentiality then please contact the project team. Please note, however, that we will not be able to enter into bilateral confidentiality / non-disclosure agreements with individual stakeholders.

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**About you**

* Your name

Giulia Sebastio

* Organisation name

Downstream Users of Chemicals Coordination Group (DUCC)

Email address

giulia.sebastio@aise.eu

Telephone number

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**Section 1: About your organisation**

1. Please indicate what type of organisation you represent:

- ○ Academic/ public research institution
- ◉ Business association
- ○ Company/business
- ○ Consumer organisation
- ○ Consumer
- ○ Non-governmental organisation (NGO)
- ○ Public authority, Committee or another public organisation
- ○ Trade union
- ○ Other (please specify)

2. Please indicate the country of origin of your organisation:

Belgium

3. For **companies and industry associations**, please indicate if you are or represent:

- ☑ Manufacturer of chemicals
- ☑ Importer of chemicals
- ☑

- [ ] Manufacturer of mixtures
- [x] Importer of mixtures
- [x] Manufacturer of articles
- [x] Importer of articles
- [x] Downstream user or distributor of chemicals
- [ ] Other (please specify)

4. For **companies and industry associations**, please indicate the sector(s) that your company/association operates in:

- [x] A - Agriculture, forestry and fishing
- [ ] B - Mining and quarrying
- [x] C - Manufacturing
- [ ] D - Electricity, gas, steam and air conditioning supply
- [ ] E - Water supply; sewerage, waste management and remediation activities
- [x] F - Construction
- [x] G - Wholesale and retail trade, repair of motor vehicles and motorcycles
- [ ] H - Transportation and storage
- [ ] I - Accommodation and food service activities
- [ ] J - Information and communication
- [ ] K - Financial and insurance activities
- [ ] L - Real estate activities
- [x] M - Professional, scientific an technical activities
- [ ] N - Administrative and support service activities
- [ ] O - Public administration and defence; compulsory social security
- [ ] P - Education
- [ ] Q - Human health and social work activities
- [ ] R - Arts, entertainment and recreation
- [ ] S - Other service activities
- [ ] T - Activities of households as employers; undifferentiated goods- and services- producing activities of households for own use
- [ ] U - Activities of extraterritorial organisations and bodies

5. For companies, what is the size of your business?

- ○ 0 to 9 employees
- ○ 10 to 49 employees
- ○ 50 to 249 employees
- ○ More than 250 employees

6. Have you been involved in the following activities under REACH?

- [ ] Applying for an authorisation for a use of a chemical substance
- [ ] Arguing for a derogation from a restriction of a chemical
- [ ] Another activity related to authorisation (please specify)
- [ ] Another activity related to restriction (please specify)
- [ ] None of the above

## Section 2: General questions on the horizontal concept of essential use

**Reminder of the horizontal essential use concept**

The assessment of essentiality would be undertaken in order to grant authorisations or justify exemptions /derogations from restrictions for the use of substances considered to be the most harmful chemicals, for which phasing out is a priority. The most harmful chemicals are defined in the Chemicals Strategy for Sustainability as chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative; chemicals affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ*.

The essential use concept would apply to substances that could be used on their own, in a mixture, an article, a product, a process or a service.

**Essentiality** for uses of "the most harmful chemicals" (not all chemicals!) =
- **Necessary** for health and/or safety **OR** **critical** for the functioning of society
- **AND** there are **no alternatives** that are acceptable from the standpoint of health and the environment

** PMT and vPvM substances are not mentioned in the CSS among the most harmful chemicals. However, the CSS announces that they will be a new hazard category under the CLP Regulation and included among the hazard classes for which substances of very high concern (SVHC) may be identified.*

The Commission's expectation is that 'essentiality' should apply to the use* of the most harmful chemicals and the technical function that they provide to that end use of the mixture, article, product, process or service, not in terms of whether a given article, product or service is essential. This relates to the technical function provided by the substance in the specified use and whether that use of the (most harmful) substance is essential to society (as described above). The technical function describes the role that the substance fulfils when it is used, i.e. what it actually does as such in a process or what it actually does in a mixture or article.

** The REACH definition of use is given in Article 3, point 24: use: any processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other utilisation.*

7. Do you agree that the essentiality of the use of the most harmful chemical in a product/article/mixture should be assessed, not whether a product/article/mixture/process/service is in itself essential or not?

- (●) Yes
- ( ) No
- ( ) I don't know

Please elaborate why/why not:

Discussing essentiality of products leads to comparisons between different sectors. Essentiality should not be used to compare different sectors with each other. It should only be used in an intra-sectorial manner, if considered at all.

8. A particular use of a given substance may be essential in one product or sector but not in another. Therefore, a starting assumption is that the assessment of whether a use of one of the most harmful chemicals is essential should not be based on lists of products or sectors.

Do you agree with this statement?

| | Yes | No | I don't know |
|---|---|---|---|
| … concerning products | ○ | ○ | ◉ |
| … concerning sectors | ○ | ○ | ◉ |

Please elaborate why/why not:

we find the question confusing.
- If a substance is used in a variety of applications, then there will be a need to assess each application. Expert knowledge on uses and sectors will be required.
- In addition, considerations on whether a substance is essential will go through constant change based on factors like societal needs, innovation etc.

9. It is being considered whether the essential use approach should be used to justify authorisations of uses of the most harmful chemicals, or exemptions/derogations from restrictions. However, the conclusion on whether a given use is essential may change over time.

Do you agree that uses of substances considered as essential for society should be subject to reviews (i.e. any exemptions/authorisations should be limited in time)?

- ◉ Yes
- ○ No
- ○ I don't know

Please elaborate why/why not:

Essential use of chemicals will go through constant change following societal needs, and innovative and technical development, therefore this concept should not be considered as permanent and harmonised. COVID-19 crisis is a good example of changes in societal need. Consequently, any concept should be future proof and allow for innovation. The notion of essentiality remains subjective, and it is important to ensure that the concept is objective and allows for change and innovation.

10. What are the key factors required to assess if the use of one of the most harmful chemicals is **necessary for health and/or safety**?

Careful evaluation of all possible impacts and benefits to human health - considering also functional and emotional benefits to end users
Also to consider are the function(s) of the substance, the number of different functions and the availability of suitable alternatives.

11. What are the key factors required to assess if the use of one of the most harmful chemicals is **critical for the functioning of society**?

Careful evaluation of all possible impacts and benefits to environment, and society
Also to consider are the function(s) of the substance, the number of different functions and the availability of suitable alternatives.

12. Should **cultural and heritage aspects** be considered in the assessment on whether the use of one of the most harmful substances is **critical for the functioning of society**? If so, how?

- (●) Yes
- ( ) No
- ( ) I don't know

If so, how:

Consider various aspects, such as:
- functional and emotional benefits to end users (e.g. benefits perceived from clean environment, contribution of paints/colours and cosmetics to the arts, mental health and well-being)
- the importance of certain industries to socio-economic regional development, sustainable tourism, innovation should also be taken into account (e.g. we highlight initiatives of the fragrance industry to revitalise local economies - The "Ritorno al futuro" revival of Bergamot in Reggio Calabria Italy, "Rose Valley" in Bulgaria, "Nueva Alcaria"/lavender in Spain.)

13. What are the key factors required for the **assessment of acceptability of alternatives** from the standpoint of the environment and health?

- Two substances can be alternatives to each other if they have similar technical function, but not only.
- The alternative should not be an SVHC as well and it should have sufficient data to ensure it will not become SVHC.
- It should also be safe for use in the intended application and should not affect other objectives of the Green Deal, such as global warming of circularity.
- It should be available in sufficient quantity and should not affect the functioning of the market, for instance in case of restricted access.
- Having similar effectiveness/ performance in the final product is important.
- Acceptability of alternatives must be supported with expert peer-reviewed evidence and relevant recognized experts of the sector must be consulted as part of the process
- Any claims of alternatives from the trade-press, media, commercial marketing, should be reviewed
- For consumer products like cosmetics, detergents, fragrances, paints – exact scents and shades of colours are important in meeting consumer expectations. If certain consumer demands are not met, the fact that removing a product from the market could result in DIY solutions should be considered.

14. Under the current REACH authorisation process, third parties can provide information on alternatives in response to individual authorisation applications for specific uses. Likewise, for REACH restrictions, a public consultation on proposed restrictions is undertaken, which can cover information on alternatives.

Should any actor (other than industry) provide information and evidence on alternatives?

- ( )

Yes

- ( ) No
- (•) I don't know

15. What are the key lessons learnt from analysis of alternatives under REACH and other legislation that could be considered for this step (identifying whether there are acceptable alternatives from the point of environment and health) in the essential use concept?

- Assessment of Alternatives is a highly complex task, requiring considerable time and money
- It will require the input of multiple stakeholders with different information and varying levels of expertise
- Performing an AofA whilst still respecting Confidential Business Information is going to be a major challenge
- Establishing the appropriate group of impartial competent experts to perform the assessment will be essential
- Avoidance of regrettable substitutions should be an important aspect to consider as part of the AofA process
- Decisions made through AofA may not be black/white - there may be alternatives available but whether they are truly viable for industrial and commercial use would be up to the experts to decide.
- New innovative technology should be encouraged, but this must be balanced with the needs of the market (e.g. single-sourced or patented substance supply should not be be the only solution, loss of a level-playing field etc.)
- For mixtures, there are regulations where "new innovative mixtures" require a lot of resources for approval and registration (BPR, pesticides). They take a lot of time to be reformulated and placed on the market
- For some sectors (e.g. lubricants in cars) reformulation and assessment of alternatives is a complicated process due to the requirements of the end user (safety standards for cars)
- Mixtures are also regulated by cross sectoral regulations. It is key to consider other regulatory requirements. For example, the authorization regime Food Contact Applications. The entire legislation on FCM is based on migration. Using a horizontal tool like essential use prior to risk assessment it not only complicates existing and well established processes, but it will lead to loss of substances without any reasons. Packaging is very complicated. Minor changes can lead to reformulations which are costly and time consuming without any benefit to the human health.

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## Section 3: Questions on the essential use concept under REACH

### Necessary for health/safety

16. Under REACH, what information should be provided to demonstrate that a use is **necessary** for **health** or **safety**?

17. Under REACH, who should bear the burden of proof in demonstrating that the use of one of the most harmful chemicals is **necessary** for **health** or **safety**?

- ( ) Industry (if you select this, please elaborate in the open text box which part of the supply chain should bear the burden of proof)
- ( ) Member States Competent Authorities

- ECHA
- Other (please specify)

Other (please specify):

All actors with available data should have the possibility to provide input. It does not make sense to restrict the information and viewpoints that may provide input

Please elaborate why:

18. Under REACH, who should **assess** the information to confirm whether a use of one of the most harmful chemicals is **necessary** for **health** or **safety**?

- ECHA Secretariat
- One of the ECHA scientific Committees (SEAC/RAC)
- The Member State Committee of ECHA
- European Commission, in consultation with the REACH Committee
- A new body/committee
- Other (please specify)

Please elaborate why:

19. What do you expect to be the key challenges or obstacles to assessing the necessity for health and safety if the essential use concept is implemented under REACH?

- Use of a substance in multiple applications
- Complexity of substance use
- With regards to mixture it is crucial to understand that a substance does not always act alone (e.g. solvent dissolves an active to provide final product effect)

**Critical for the functioning of society**

20. Under REACH, what information should be provided to demonstrate that a use is **critical** for the **functioning of society**?

21. Under REACH, who should bear the burden of proof in demonstrating that the use of one of the most harmful chemicals is **critical** for the **functioning of society**?

- Industry (if you select this, please elaborate in the open text box which part of the supply chain should bear the burden of proof)
- Member States Competent Authorities
- ECHA

- [x] Other (please specify)

Other (please specify):

All actors with available data should have the possibility to provide input. It does not make sense to restrict the information and viewpoints that may provide input.

Please elaborate why:

22. Under REACH, who should **assess** the information to confirm whether a use is **critical** for the **functioning of society**?

- [ ] ECHA Secretariat
- [ ] One of the ECHA scientific Committees (SEAC/RAC)
- [ ] The Member State Committee of ECHA
- [ ] European Commission, in consultation with the REACH Committee
- [ ] A new body/committee
- [ ] Other (please specify)

Please elaborate why:

23. What do you expect to be key challenges or obstacles to assessing criticality for functioning of society?

- Complexity of substance use
- transparency, legitimacy and accountability of decision makers will be extremely important
- GRA bans will lead to a lot of bans of safe products/use of substances in a way that will impact on European citizens' way of life and product choice. One big challenge will be to explain to consumers that these bans are justified and necessary.

**Availability of alternatives when implementing the essential use concept in REACH**

24. If the essential use concept is implemented under REACH, what information should be provided to demonstrate that there are no available alternatives for a use of one of the most harmful chemicals?

25. Under REACH, who should bear the burden of proof in demonstrating that there are no available alternatives for a use of a substance acceptable from the standpoint of environment and health?

- [ ] Industry (if you select this, please elaborate in the open text box which part of the supply chain should bear the burden of proof)
- [ ] Member States Competent Authorities
- [ ] ECHA
- [ ] Other (please specify)

Please elaborate why:

26. Under REACH, who should **assess** the information to confirm that there are no **alternatives** for a use of a substance that are acceptable from the standpoint of the environment and health?

- ECHA Secretariat
- One of the ECHA scientific Committees (SEAC/RAC)
- The Member State Committee of ECHA
- European Commission, in consultation with the REACH Committee
- A new body/committee
- Other (please specify)

Please elaborate why:

Assessment of alternatives for a specific product will be very difficult to do without expertise in the sector in question. It will require strong collaboration between industry and authorities.

27. Do you agree with the following statements:

| | Yes | No | I don't know |
|---|---|---|---|
| The current ECHA guidance for analysis of alternatives should be applicable to assess the availability of alternatives under the essential use concept. | ○ | ○ | ◉ |
| Acceptable alternatives should be those that can allow the product /service/article to achieve a **sufficient level of performance** (but not necessarily more) in terms of health/safety or attributes that are critical for the functioning of society. | ◉ | ○ | ○ |
| The assessment of alternatives should cover all lifecycle stages. | ◉ | ○ | ○ |
| Information provided for the analysis of alternatives should include information on the **risks to human health and the environment** related to the manufacture and use of the alternatives. | ◉ | ○ | ○ |
| Information provided for the analysis of alternatives should include information on the **availability** of the analysed alternatives, including the time scale. | ◉ | ○ | ○ |
| Information provided for the analysis of alternatives should include information on the **technical feasibility** of an alternative **for the company** *applying for an authorisation / derogation from restriction*. | ◉ | ○ | ○ |
| Information provided for the analysis of alternatives should include information on the technical feasibility of using an alternative **within EU society as a whole**, not simply from the perspective of one specific applicant. | ○ | ○ | ◉ |
| | | | |

| | | | |
|---|---|---|---|
| Information provided for the analysis of alternatives should include information on the economic feasibility of an alternative **for the company** *applying for an authorisation / derogation from restriction*. | ○ | ○ | ◉ |
| Information provided for the analysis of alternatives should include information on the economic feasibility of using an alternative **within EU society as a whole**, not simply from the perspective of one specific applicant. | ○ | ○ | ◉ |

Please elaborate on any of the above answers, if you wish:

28. What do you expect to be the key challenges or obstacles to assessing the alternatives in the context of applying the essential use concept in REACH?

see response to Q15

29. Is there any element or step not currently covered by ECHA's guidance on the assessment of alternatives (see guidance on the preparation of an Annex XV dossier for restrictions and guidance on the preparation of an application for authorisation) that should be included in the essential use concept?

- ○ Yes
- ○ No
- ○ I don't know

30. Is there any element or step that is currently covered by ECHA's guidance on the assessment of alternatives (see guidance on the preparation of an Annex XV dossier for restrictions and guidance on the preparation of an application for authorisation) that should not be included in the essential use concept?

- ○ Yes
- ○ No
- ○ I don't know

**Negative (e.g. costs) and positive impacts (e.g. benefits) of implementing an essential use concept in REACH**

31. What would be the main negative impacts (including costs, administrative burden, etc) of introducing the essential use concept in deciding on authorisations and/or exemptions from restriction under REACH?

This will depend a lot on how essentiality is implemented.

32. Do you have any suggestions on how those negative impacts, including costs could be reduced?

If essentiality was not applied below a certain risk, so safe use/minimum exposure was included as a possibility for derogation to the GRA, this would reduce costs

33. What would be the main benefits of introducing the essential use concept in deciding on authorisations and/or exemptions from restrictions under in REACH?

DUCC acknowledges that the concept of ‘essentiality of use’ can be used to prioritise the management of GRA substances where an unambiguous demonstration of safe use is not carried out or not possible.

34. Do you have suggestions on how to maximise those benefits?

**Potential screening steps**

The implementation of an essential use concept under REACH, for the most harmful chemicals, would require an **assessment** of the necessity for health/safety, the criticality for the functioning of society and the availability of alternatives. Such assessments can be time-consuming and resource intensive.

Initial screening steps under REACH could be implemented ahead of more in-depth assessments, to quickly filter out clearly non-essential uses, or to prioritise uses likely to be considered essential, with a view to shortening the decision-making process.

35. Do you agree with the following statements?

| | Yes | No | I don't know |
|---|---|---|---|
| An initial screening for **alternative products** available on the market, but without the most harmful chemical would simplify and speed up decision-making. For example, if substance X is used in a shampoo, this initial step would screen products available on the market to see whether other shampoos are available without substance X. | ○ | ◉ | ○ |
| An initial screening for **necessity/criticality** would simplify and speed up decision-making. | ○ | ◉ | ○ |
| **Both screenings** for **alternative products** available on the market **and** for **necessity/criticality** would simplify and speed up decision-making. | ○ | ◉ | ○ |
| Screening steps **would not** simplify and speed up decision-making. | ◉ | ○ | ○ |

Please elaborate:

A robust, full procedure must be implemented for this process, with no shortcuts

36. Do you think that such screening steps could provide an opportunity to adapt information requirements early on in the assessment of essentiality to allow for simplification and better targeting of a more detailed assessment (either of alternatives or of criticality for the functioning of society and necessity for health or safety), in particular for clearly critical uses?

- ○ Yes
- ○ No
- ○ I don't know

Please elaborate:

37. If a simplified screening step were to be implemented for alternatives, what are the key considerations or information sources that should be taken into account in the screening?

38. If a simplified screening step were to be implemented for criticality / necessity, what are the key considerations or information sources that should be taken into account in the screening?

39. What would be the main benefits of such screening steps?

40. What would be the main challenges of such screening steps?

**Other questions**

41. Do you see a need for an additional fall-back mechanism for emergency situations for uses of the most harmful chemicals (until they are assessed as essential or not essential under REACH following a more in-depth assessment)?
Please note the possibilities already offered by Articles 2(3) and Article 129 of REACH.

- ○ Yes
- ○ No
- ○ I don't know

42. Can you think of other similar examples (other than emergency situations) where flexibility in the application of the essential use concept or process would be justified?

- ◉ Yes
- ○ No
- ○ I don't know

Please elaborate:

- In cases below a certain risk, so where safe use/minimum exposure can be shown, then essentiality should not be applied
- Auxiliary agents and intermediates that eventually not become a part of a product should be excluded from the considerations of essential use, especially if used in industrial setting. Otherwise this will lead to a situation where certain chemicals are used as auxiliary agents outside EU and then the finished products are imported to the EU. This should be avoided as will greatly impact EU industry, with no overall benefit.

43. Do you envisage any overlap and/or inconsistency/incompatibility between applying the essential use concept and any other provision under REACH?

- ○ Yes
- ○ No
- ○ I don't know

Please elaborate:

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**Section 4: Questions on the essential use concept under legislation other than REACH**

44. Do you think there are pieces of legislation **other than REACH** that would benefit from an essential use concept? (for example Cosmetic Products Regulation, Safety of Toys Directive, Food Contact Materials Regulation, Restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) Directive, End-of-life vehicles (ELV) Directive, EU Taxonomy)

- ○ Yes
- ◉ No
- ○ I don't know

45. Are there any features of such legislation that mean that the essential use concept should be implemented differently to how it might be implemented in REACH, i.e. if an essential use concept was introduced, should it be done differently than under REACH?

- ○ Yes
- ○ No
- ○ I don't know

Please elaborate:

46. What would be the main benefits of introducing the essential use concept in determining exemptions from restrictions in such legislation? Please specify the legislation you are referring to.

47. What would be the main negative impacts including costs of introducing the essential use concept in determining exemptions from restrictions in such legislation? Please specify the legislation you are referring to.

48. What would be the key practical challenges and/or any unforeseen negative consequences in implementing the essential concept in such legislation, in particular considering the existing provisions of the legislation as well as the types and characteristics of products regulated in this legislation?

49. Would the essential use criteria in the Chemicals Strategy for Sustainability (use to be necessary for health/safety and/or critical for the functioning of society and no acceptable alternatives from the standpoint of health and the environment) be compatible with the objectives and provisions of such legislation?

- Yes
- No
- I don't know

Please elaborate:

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**Section 5: Any other information**

If you would like to provide any further information, please give details here, and if you would like to share any documents/attachments, please do so below.

*5000 character(s) maximum*

Please upload your file(s)

## Contact

Contact Form