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#### NOTE

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From: General Secretariat of the Council  
To: Delegations

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Subject: AOB for the meeting of the Council (Environment) on 17 December 2024  
Key issues in the targeted revision of the REACH Regulation  
– Information from Sweden, supported by Denmark, Finland and Luxembourg

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- *The upcoming REACH revision should ensure, once and for all, that EU citizens are no longer exposed to substances/chemicals which are, for example, carcinogenic, toxic to reproduction, or which disrupt the endocrine system, when using products in their daily life.*
- *A rapid phase-out of harmful substances in products should also enable the creation of non-toxic material cycles, thereby increasing the safety of and trust in recycled materials by minimising risks throughout their life cycle.*
- *The phase-out of harmful substances should be achieved by means of new provisions that are both simpler and more predictable for companies affected by the Regulation, without compromising the level of protection for human health and the environment. Such provisions will enhance the competitiveness of EU industry and its value chains, while reinforcing its position as a front-runner in providing safe chemicals.*

As the Commissioners-designate have confirmed that a proposal for a revision of the REACH Regulation will be put forward in 2025, Sweden, Denmark, Finland and Luxembourg, supported by Norway, would like to highlight the urgent needs which must be addressed and the many opportunities which are presented by a revision of the REACH Regulation. Our views are in line with the Council conclusions of 17 June 2024 on the 8th Environment Action Programme, in particular the topic of zero pollution for a toxic-free environment, and follow up on the discussion at the Environment Council meeting on 14 October 2024 on the Chemical Strategy for Sustainability.

The REACH Regulation remains a key milestone as regards mitigating the many risks posed by hazardous chemical substances. However, as new challenges and technologies have emerged over the years, it has become evident that REACH does not fully deliver on its aim and scope, namely to ensure a high level of protection for human health and the environment, as well as free circulation of substances on the market, all while enhancing competitiveness and innovation across sectors. The changes required are comprehensively outlined in the Chemical Strategy for Sustainability. The provisions and procedures also need to be simplified, where possible, without compromising the level of protection for human health and the environment. The discussion at the Environment Council meeting on 14 October 2024 reconfirmed Member States' support for a targeted revision.

A major weakness of the current Regulation is that it does not drive a coherent and comprehensive phase-out of the most harmful substances in products in EU citizens' daily life, thus failing to reduce the risk of exposure to these substances during foetal development and puberty, which in turn increases the risk of, for example, developing cancer, experiencing decreased fertility or contracting diseases related to endocrine disruption later in life.

**We therefore propose that banning the most harmful substances in consumer products should be a priority measure in the revision.** Compared to the existing requirements for introducing restrictions, generic bans with clear application or end-of-use dates would be simpler, more predictable and faster. They would also reverse the burden of proof. In order for a derogation to be justified, companies affected by the Regulation would have to prove that the use of a most harmful substance in a consumer product is critical to society and that no feasible alternatives are available<sup>1</sup>. Such provisions would thus reward frontrunners and drive innovation and the use of safer chemicals.

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<sup>1</sup> Commission communication on guiding criteria and principles for the essential use concept in EU legislation dealing with chemicals C(2024)1995 final.

**A generic ban would also minimise the presence of harmful chemicals in recycled materials, reducing the risks to human health and the environment throughout their life cycle.** This ban would thereby supplement measures taken under the circular economy action plans, such as the Ecodesign Regulation. Creating non-toxic material cycles will increase the safety of and trust in recycled materials. This would lead to an increased recycling rate and a decrease in destructive waste treatment operations (incineration, landfill, etc.). In principle, the same requirements on hazardous substances should apply for virgin and recycled materials.

**For the generic risk management approach to yield results, sufficient and appropriate information needs to be made available to authorities to speed up the identification of, for example, carcinogens or endocrine disruptors.** Another priority of the revision should therefore be to strengthen the information requirements at the registration step. In addition, the registration provisions need to be amended so that they drive compliance and ensure a level playing field. If a registrant still fails to bring the dossier into compliance, the substance should no longer be manufactured or placed on the market.

**In this regard, there is also a need to** introduce one or more mixture assessment factors into the Regulation to adequately **address risks related to combination effects resulting from exposure to multiple hazardous chemicals from different sources over time.**

Furthermore, the generic approach and strengthened information requirements need to be supported by efficient and more rigorous enforcement. **The gaps that allow products to enter the European market, including via e-commerce, without complying with our chemicals legislation must be further tightened in order to create a more level playing field.** Consideration should be given to the establishment of uniform conditions and a higher frequency of compliance checks. The work of enforcement authorities should be facilitated in order to benefit both the environment and European competitiveness. When taken together, these actions would enable the EU to show global leadership and reaffirm to the rest of the world that chemicals and treated goods from the EU are the safest and most secure. The EU's global credibility could be further improved by a ban on the export of hazardous substances that are prohibited in the EU.

In addition, we would like to briefly highlight some other issues of importance:

There is an overall need to **reform authorisation and restrictions** in order to accomplish – more simply and effectively - the aims of achieving a high level of protection, while also enhancing competitiveness. The reform should also create a more level playing field for manufacturers inside and outside the EU.

**Binding rules are the most effective substitution-driving measures.** However, the promotion of non-regulatory initiatives, such as ‘**safe and sustainable by design**’ **networks or substitution centres**, will continue to be **of importance, not least to support SMEs, as a complement/supplement to binding rules.**

We underline the need to give **highest priority to the discussion and decision on the universal PFAS restriction**, once the ECHA has submitted its recommendation. To this end, the Commission should make every effort to complete the processing of restriction dossiers currently on the REACH committee agenda.

We also encourage the Commission to take steps, as appropriate, to address risks posed by polymers.

As a last remark, the **European Chemicals Agency, need to increase the sustainability of its financing model** to tackle the increasing number of tasks which fall within its mandate.

In summary, we see good opportunities to make the provisions of the REACH Regulation simpler, more predictable and more effective. This will boost the competitiveness of EU industry and its value chains, reinforcing its position as a front-runner. At the same time, the provisions could pave the way for the necessary transition to a toxic-free environment, as well as non-toxic material cycles. In our view, the generic risk management approach, together with strengthened information requirements and enforcement, should be at the core of such endeavours.

We strongly encourage the Commission to develop a proposal for a targeted revision of the REACH Regulation along these lines.