



Joint Position of 12 industry sectors in Europe on the REACH proposal by the European Commission

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The cement, ceramics, glass, gypsum, iron & steel, lime, minerals, non-ferrous metals, ores, paper, precast concrete and ready-mixed concrete industries support the basic aims of REACH but have a number of common concerns about the proposal by the European Commission for a New Chemicals Policy (REACH). These 12 sectors roughly represent a total turnover of 360 billion Euro, manufacture 1,500 million tonnes of products and provide employment to 2 million people.

We will, of course, as **downstream users** of chemicals and also as importers of chemicals, be impacted by the proposed Regulation. However, in relation to the nature of the products we manufacture we have the following main concerns:

1. The REACH proposal has been developed with the main objective of safe use of man-made products from the chemical industry. However, as currently presented, it would cover not only chemicals, but also other products such as those that our companies manufacture, as well as our raw materials. **We feel that it cannot be the intention of the proposed legislation to include our raw materials and products in REACH under the same regime as chemicals.**
2. Our industries are manufacturing products in quantities, which exceed by far the total worldwide volume (400 Million tonnes per year) of chemicals referred to in the White Paper on the Chemicals Policy Review of February 2001. As high volume manufacturers of mainly low risk products derived from minerals, ores or substances occurring in nature, **we question the logic of prioritisation (including timing for implementation) by volume, instead of by risk.**
3. Minerals (naturally occurring or synthetic), ores or substances occurring in nature (the basic raw materials for our sectors) should be fully exempted from registration requirements, as is the case for natural gas, crude oil and coal (the basic raw materials for the organic chemicals sectors). **Their inclusion puts our sectors at an unfair and significant competitive disadvantage.**
4. The proposed Regulation overlaps with existing legislation. Potential risks arising from the use of the basic raw materials for our sectors are already addressed under:
 - the IPPC Directive (Council Directive 96/61/EC) and/or;
 - the legislation on the protection of health and safety of workers and/or;
 - the Construction Products Directive (89/106/EEC) and some other "product" legislation e.g. batteries, including risk management requirements;
 - Directive 89/109/EEC for materials and articles intended to come in contact with food.

Duplication of legislation should be avoided where the Health, Hygiene and Environmental impacts of our products are already addressed in an adequate way.

5. We welcome as part of the proposal the prominent role of Safety Data Sheets (SDS) which manufacturers in our sectors already provide, where relevant, to their customers. **These SDS, produced according to the existing European legislation, describe very clearly how to use our products without jeopardising workers' health and the quality of the environment.**
6. The use of waste for recovery and/or materials for recycling as feedstock for our industrial processes contributes significantly to Sustainable Development. These materials are used according to European Community and international waste legislation: among others, the provisions of the IPPC Directive (96/61/EC) and/or the Waste Incineration Directive (2000/76/EC). **Overlap between waste and substance legislation should be avoided and we therefore propose to exempt them from REACH as waste legislation already ensure a high level of protection.** Needless to say that hampering of recycling would be contrary to the targets set forward in the Sustainable Development policy of the EU.

To conclude, our sectors are very concerned by the REACH proposal, which should be improved by taking into consideration the specificity of our raw materials and products, especially those, which are already covered by other legislation and which should not therefore be subject to REACH.

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