



**Joint Declaration of the Social Partners
of the European Chemical Industry
on REACH and the inclusion of nanomaterials in its annexes**

The European chemical industry has a key role to play in addressing current and future societal challenges such as energy efficiency, raw materials shortage and recyclability, communication technology, and accessibility to health, food and water. The Social Partners of the European Social Dialogue for the chemical industry: the European Chemical Employers Group (ECEG) and industriAll European Trade Union (industriAll Europe) believe that the general report of the European Commission on REACH issued in 2013 provides a strong insight into important elements of the implementation of this legislation as a set of rules. They indeed share the opinion that the chemical industry has demonstrated a sustained commitment towards the implementation of the legislation, even if all the effects of REACH on public health and safety and the environment cannot yet be quantified.

Safe handling and responsible use

ECEG and industriAll Europe agree that the safety of workers, downstream users and consumers, through the safety of chemical industry's products, is our top priority. We note the high importance of health and environment concerns and support public debates based on sound science.

The European Union's chemical legislation and its transposition into Member State national law exists to ensure all chemical substances are manufactured, handled, used and disposed in the safest manner possible. As social partners, we are committed to ensuring that chemical worker-related legislation is effectively implemented into everyday activities through the best practice sharing work in our individual component organisations. The safety datasheets (SDS's) play an important role in this respect, by improving the available information for employers, workers, consumers and other downstream users. Their use and any risk management applied based on the information in the SDS's shall be monitored regularly by management and workers representatives, and they shall be updated by the supplier when the new data is available.

Research, Development and Innovation

Innovation involves companies of varying size with many of these being start-ups from academic institutions and SMEs. The ECEG and industriAll Europe recognise the difficulties faced in terms of the required support needed to bring a technology / material successfully to market (e.g. finance, technical skills / knowledge) and thereby call on the newly elected European Commission and Member States to help ensure these businesses remain located in Europe. The fee regulation adopted in 2013 allowing SMES to

benefit from reduced registration fees of up to 95% is already an important step forward. However, alongside REACH, a more cohesive and integrated European approach is necessary, involving target figures-oriented industrial, climate-change and energy policies, for example, and a better use of structural funds, public-private partnerships, etc. Clarity and stability on the regulatory framework(s) in which companies are supposed to operate in Europe are equally needed to boost investment, growth and jobs in the chemical industry if we want to ensure just transition for this essential sector.

Nanotechnology

ECEG and industriAll Europe concur that in terms of horizontal legislation, REACH provides the best appropriate framework to address all chemical substances, including nanomaterials, and believe any specific requirements deemed necessary for nanomaterials should be able to be clarified through the REACH Annexes and ECHA guidance documents. The REACH Regulation offers a good framework for a harmonised and standardised approach that helps ensure safe, responsible and sustainable chemicals management.

The practical implementation of the European Commission's definition for a nanomaterial remains an ongoing issue. We agree with the findings of the Commission's Joint Research Centre that no one analytical methodology is suitable for defining a nanomaterial. Even though this remains unresolved it does not prevent existing EU chemical legislation from being relevant and workable for nanomaterials as with any other substance.

The European social dialogue is a good platform for discussing the benefits and opportunities, awareness of risks and the measures taken to address these. As for any new technology, the risks must be managed carefully. ECEG and industriAll Europe believe nanotechnology and nanomaterials must be produced and used in a responsible and safe manner, as is the case with any other chemical substance. Risk assessment has to be performed on a case-by-case basis, and where necessary/feasible, risk assessment methods must be upgraded. Appropriate training and collective protection must be provided, and when needed, adequate individual protection also. Where information on a new nanomaterial is initially not known, the precautionary principle must be applied in accordance with the European Commission's Communication in 2000 (COM 2000/0001).

Nanotechnology is clearly recognised by Europe and other global regions as a key-enabling technology. The EU Second Regulatory Review on Nanomaterials (2012) states that there are already 300 to 400 thousand jobs in the nanotechnology area. Therefore, in a globalised economy, where the presence of other heavyweights such as China and the United-States impacts significantly on European industrial competitiveness and jobs, the development of innovative technology, such as nanotechnology, is critical to Europe's long-term growth and sustainability agenda since they underpin the very future of the automotive, naval and aerospace industries, communication technology, energy efficiency, medical and food industries. Likewise, with regard to current and future trade partnerships agreements, it is essential for the European chemical industry that REACH be applied indiscriminately to all imported products.

Sector Social Dialogue Committee of the European Chemical Industry



With regards to transparency, ECEG and industriAll Europe believe that a most logical and efficient way to provide the necessary information to all stakeholders, would be under the supervision of ECHA to expand the existing European Commission's Joint Research Centre web platform on nanomaterials to include notifications of nanomaterials to all current regulatory schemes. Notifications would include information on nanomaterials used in food, cosmetics, medical devices, biocidal products as well as substances submitted under REACH (once Annexes are adapted for nanomaterials) and CLP (Classification, Labelling and Packaging). Efforts shall also be made to coordinate this data at the substance specific level so that it is searchable. This can then be used for risk assessment by all stakeholders including regulators to identify on a case-by-case basis if there are any data gaps and if any specific risk management controls are needed.

To conclude:

IndustriAll Europe and ECEG firmly support awareness raising activities to ensure safe use of nanotechnology and nanomaterials, as we do for all other chemical substances. Communication in the supply chain via the use of safety data sheets, technical leaflets, forums, conferences, workshops is vital to sustain responsible use. Research, development and innovation are keys to the competitiveness, job growth of the European chemical industry and sustainability. ECEG and industriAll Europe will therefore continue to work together to ensure the present and future safe use of new technologies, such as nanotechnology, throughout the supply chain from the manufacture, to the customer, to the 'end-of-life' disposal of the products.

Brussels, 9 September 2014.

Emma Argutyan-Kahlmeyer
Secretary General
ECEG

Sylvain Lefebvre
Deputy General Secretary
industriAll Europe

ECEG :

The European Chemical Employers Group (ECEG) is the social affairs organisation of the European chemical industry, grouping 18 national employers' federations of the sector from 18 countries. Via its national member federations ECEG represents some 10,000 companies of the chemical industry with more than 1 million employees in Europe. ECEG is a partner within the CEFIC family of European organisations, representing the employers' interests of the European chemical industry.

industriAll European Trade Union:

Result of the merger between the EMF, EMCEF and ETUF-TCL in 2012, industriAll Europe with its 7.1 million members out of 173 organisations in 38 countries is the biggest manufacturing industrial trade union in Europe with jurisdiction in the metal, chemical, energy, mining, textile, clothing, leather, glass, paper and allied sectors. It is a member of the ETUC, and through its 43 national affiliations represents over 1 million members in the chemical sector.