Non-paper by France, Austria, Denmark, Italy, Luxembourg and the Netherlands on the REACH revision

In light of European Commission's recent announcements that it will not pursue the legislative revision of REACH, **France, Austria, Denmark, Italy, Luxembourg and the Netherlands take note that the conditions are no longer in place to carry out such a revision in accordance with the principles set in the European Chemicals Strategy for Sustainability. We wish to share with the Commission our proposals and ideas for priority areas of work for the implementation of REACH: strengthening controls and restoring a level-playing field, and updating REACH to technical and legislative progress through comitology. These proposals should reduce the administrative burden, improve the competitive edge of European industry, while at the same time improving the protection of health and environment.**

The increasing import of substances, products and articles from outside the European Union, including through online sales, is resulting in more goods entering the EU market without being subject to sufficiently frequent of thorough controls. Concerns about non-compliant and/or unsafe products imported from outside the EU have been raised repeatedly.

Ongoing work, in particular the reform of the EU Customs Union, Regulation (EU) 2019/1020 on market surveillance and a future 'European Product Act', should enable progress on these issues, particularly with a view to:

- Strengthen the implementation of controls on online sales and strengthen the product safety responsibility of online sales platforms;
- Strengthen cooperation between the enforcement authorities within and between Member States, and in particular customs authorities, to improve the flow of information between Member States and to strengthen the management of fraud alerts at European level.

A legislative act dedicated to strengthening controls linked to the REACH regulation ("***REACH enforcement act***") could supplement this ongoing work in order to:

- Improve the targeting of controls carried out by customs authorities (in particular on articles subject to REACH restrictions), and automate documentary checks;
- Clarify the identification of the different actors of an import or placing on the market subject to REACH, CLP, or other chemicals sectorial legislation ensuring consistency across the customs declaration dataset and the horizontal market surveillance framework;
- Ensure that imported products comply with the same health and environmental requirements as those manufactured in the European Union, while preserving the necessary derogations (particularly, in the defence and healthcare sectors);
- Allow the revocation of registration numbers, when the constituent elements of fraud have been fulfilled.

Furthermore, some REACH provisions are no longer consistent with the EU legislative framework for chemicals that has evolved significantly since 2006. This inconsistency could undermine the full implementation of this legislation. **Possible simplifications and adaptations to technical progress through comitology should be explored and implemented.**

Adaptation to technical progress would include:

- Updating the registration requirements to include the new CLP hazard classes (endocrine disruption, persistence, bioaccumulation and toxicity, persistence, mobility and toxicity), with reasonable timeframes and conditions to allow industry to adapt appropriately;
- Increased consideration of new approach methodologies (NAMs) to limit animal testing, as long as this does not result in uncertainty about the hazards of substances, including their identification under the CLP, or in a decrease in the level of protection, in line with the Commission Roadmap towards phasing out animal testing for chemical safety assessments.

Simplifications for economic operators and authorities could include:

- Harmonisation and digitalisation of safety data sheets (SDS), in order to make the information exchange in the value chain more efficient and more relevant to the users, in close cooperation with producers, importers and downstream users;
- A simplified procedure for authorisation applications relating to small volumes;
- Clarifications of the data requirements for nanoforms;
- Taking the circular economy into account in the socio-economic analysis.

The Member States behind this non-paper point out that the two areas of work developed above, although necessary, are not sufficient to address the limitations identified on the implementation of REACH. Discussions on a deeper REACH revision should therefore resume as soon as the competitive edge of European industry has been restored.