



Foreign Trade Association

REACH

Key messages of the FTA Regarding the Future European Chemical Strategy

The Foreign Trade Association represents European Traders, among them a big number of retailers, who import and distribute consumer goods. At present, the Commission is heading for a REACH-system that burdens importers of articles with an overkill of data requirements, costs and bureaucracy. An inquiry among FTA-members showed clearly: The assessment and registration requirements -as described within the consultation document- would especially burden European retailers, who import articles from third countries. In July 2003, the FTA made its concerns clear by publishing a paper, that focused exclusively on the impact of REACH on importers of articles <http://www.fta-eu.org/newsflash/flashreach3en.pdf> .

After intense discussions with EU- and national officials as well as representatives of the business community in August and September 2003, FTA-members have agreed on the following key messages, that should be taken into consideration within the further consultation process:

- ➔ **Producers or importers of articles must only register harmful substances in articles, if they that have not at all been registered for that use before (delete “registered up the supply chain” in Point. 64.2)**

The chemical substances in textiles for example are all known. Retailers could refer to former registrations from other imports. The number of registration procedures would prominently decrease.

- ➔ **Registration of substances must be possible for foreign companies without a branch in Europe**

Importers of articles could control the content of their goods through the buying conditions used abroad. They could oblige their suppliers to use only substances, registered according to REACH. The analysis of random samples on a regular basis in combination with the right to claim insight into the documentation of the registration procedure would help to reassure the compliance of the supplier with the contractual obligations. The importers of articles would still be responsible for the compliance of their articles with REACH.

➔ **The duty to register substances in articles shall not apply for a period of at least 11 years after entry into force of the Regulation**

By then, a prominent part of chemical substances in articles will be registered. Importers could (again) refer to existing registrations.

➔ **The importer of articles must have the possibility to register a harmful substance after having imported 1 ton of the substance in question in his articles (not before importing an article containing a substance, which's amount of import within the coming year will surmount 1t)**

For retailers, the amount of imports for the coming year is not predictable.

➔ **Point 64 should not deal with the disposal of articles**

The EU waste-regulation already covers the disposal of goods. During the discussion on the new strategy on prevention and recycling of waste, this issue will also be dealt with. By all means, double-regulation must be avoided.

➔ **A negative-list for substances in articles and a de-minimis-clause should reduce the scope of application to a feasible extent**

Substances in articles that cannot be released during normal and foreseeable conditions of use should be per se excluded from REACH. This concerns polymers and intermediates, which can only be released during the manufacturing process.

Harmful substances, that only appear to a very small amount in articles, should not be subject to registration (presumption of safeness) and should not be added to the yearly weight of substances, imported by the importer.

➔ **The duty of care for importers of articles must be defined**

Existing regulations on product liability and product safety should set the standards for any other duty of care vis-à-vis the consumer.