

REACH position paper - Annex I: SVHC Roadmap

Brussels, July 2015

The impact of the SVHC Roadmap on Petroleum Substances

The 'Roadmap for SVHC identification and implementation of REACH risk management measures from now to 2020' agreed by the Council of Ministers end 2012, provides an EU-wide commitment for having all relevant currently known substances of very high concern (SVHCs) included in the Candidate List by 2020. ECHA with Member States and the Commission developed a plan on how to implement the SVHC Roadmap until 2020. Petroleum Substances are listed in the Roadmap because of their hazard properties and high volumes¹. Given this singling out of a particular sector, FuelsEurope thus seeks a proportionate, properly prioritised approach towards the assessment of petroleum substances.

The SVHC Roadmap works as follows:

- a) The screening phase involving the Member States and ECHA: considering which **substances are relevant** as a potential concern. A particularly key role is played by Member States in the screening phase: an individual Member State may take the lead on the identification of any given substance, proposing to list it on the Candidate List until it is prioritised and selected for authorisation. The Member State Committee makes a final decision on the proposals.
- b) Those substances seen as relevant will then be **assessed**:
 - The first step is consideration of whether there is a need for further information. If there is such a need, the substance can be selected for substance evaluation (CoRAP) or compliance check (to determine if the standard information requirements are fulfilled).
 - If no further information is required, the substance can be a candidate for further regulatory risk management (risk management option analysis, proposal for harmonised classification at EU level)
 - It may need to be further assessed and discussed by the PBT² or ED³ Expert Groups.
- c) **The Risk Management Option (RMO) analysis phase** is initiated because there is an SVHC potential concern: assessing whether those substances are 'relevant' for the SVHC process and if not, identifying the most appropriate tool(s) for dealing with the relevant concerns. The main tools are Authorisation, taking the product off the market except for exceptional authorised uses, and Restriction, limiting or banning the use, manufacture or placing on market of a substance. This phase may also lead to the conclusion that no further action is required.

If Petroleum Substances would be screened and the subsequent RMO analysis would find that our existing risk management measures are not sufficient to deal with the identified risks, then specific tools such as authorisation would be considered: this could mean that strict controls on the use of our products would be put in place, whilst substitution of the substance is looked for.

Industry position on the SVHC Roadmap:

The SVHC Roadmap is particularly relevant to the refining industry⁴ as in ECHA's SVHC Roadmap Implementation Plan, Petroleum Streams are identified as one of the main substance groups that could be potentially relevant. However, we

¹ ECHA's SVHC Roadmap Implementation Plan 2013: "The main reason why it is felt these substances need to be considered from a RRM perspective is the potential concern regarding human and environmental health due to their CMR and/or PBT properties. These substances are very high volume chemicals and there are indications from the registration data that these substances are not just used in fuels but also in other uses."

² PBT: persistent, bioaccumulative and toxic

³ ED: endocrine disruptors

⁴ The Commission states: "There is a need to develop an approach to assess the petroleum streams (approach 2013-2015, systematic assessment from 2016)". Page 14, Roadmap on Substances of Very High Concern

have concerns about the fact that Petroleum Substances are grouped jointly with coals as “Petroleum/Coal Stream Substances”, their fundamental difference must be taken into account⁵.

In case of selection of a substance being identified as a concern, thorough RMO analysis should be carried out as a standard procedure and this analysis should first consider protection resulting from other EU legislation, rather than being limited to Restriction or Authorisation, as indicated in ECHA’s SVHC Roadmap document⁶. In fact, the effect of ongoing processes such as Substance Evaluation and classification and labelling should be properly considered.

RMO analysis should always be objective and based on sound science as well as economic considerations, in collaboration with the relevant industries included in the substances manufacture and use. Such analysis should consider competitiveness and innovation concerns, and avoid negative impacts for substances that are critical as upstream for the chemical industry⁷ and high valued products. Producers of finished goods (defined as ‘articles’ under REACH)⁸, who are based outside EU, may use SVHCs in their processes, without the same constraints⁹, and import them into causing ‘REACH leakage’, no increase to environmental and health protection, leading to a competitive disadvantage for producers based in the EU.

Therefore, we request:

- To distinguish petroleum from coal in the Petroleum and Coal stakeholder coordination group (PetCo), given that the approach has been to consider these two substances together; their clear differences must be understood and recognised;
- To keep the addition of Petroleum Substances to the “Candidate list” to a minimum by applying criteria that consider uses and hazard better, in order to avoid unnecessary testing. Such analysis should take into account the most up-to-date information, being provided by the industry through Concawe in a thorough and widespread effort;
- As recommended by ECHA in their 2015 Annual Report, Member States to communicate and interact with industry throughout the process for the screening, assessment and analysis for each substance. The strain on resources as well as the consequences of process must be assessed and scientifically justified¹⁰;
- To use alternative Risk Management Methods (both those already in place and those which are being developed such as the commonly-used Occupational Exposure Limits (OELs) for the protection of workers) which we believe can offer adequate protection.

FuelsEurope, the voice of the European petroleum refining industry

FuelsEurope represents with the EU institutions the interest of 42 companies operating refineries in the EU. Members account for almost 100% of EU petroleum refining capacity and more than 75% of EU motor fuel retail sales.

FuelsEurope aims to promote economically and environmentally sustainable refining, supply and use of petroleum products in the EU, by providing input and expert advice to the EU institutions, Member State Governments and the wider community and thus contributing in a constructive and pro-active way to the development and implementation of EU policies and regulations.

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⁵ Coal streams substances contain much more PAH (polycyclic aromatic hydrocarbon) than petroleum streams, even in heavy streams

⁶ ECHA SVHC Roadmap Implementation Plan, page 9

⁷ For example most polymers are derived from petrochemical substances; polymers are used in automotive industry, and building industries, to deliver lighter vehicles, and better thermal insulation.

⁸ Articles, defined under REACH Article 3(3) as “an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition”

⁹ There are no notification constraints for articles containing less than 0.1% SVHC, for instance, catalysts

¹⁰ Roadmap for SVHC Annual Report 23 March 2015: “Definition of the scope of the work foreseen for petroleum/coal stream substances with Member States, the Commission, industry and NGOs and how to organise the cooperation and coordination.”