

ATC Position
with respect to
Non-official Authorisation
Candidate Lists

ATC Document 93 version 2

June 2009

ATC position on the publication of Non-official Authorisation Candidate Lists

An important goal of REACH, which the petroleum additive industry supports, is to reduce and eventually remove from commerce any substance where the risk of harm to man and/or the environment is too high to justify its use, unless there is a socio-economic reason outweighing the risk. This will be achieved by the European authorities periodically publishing a list of substances that have undergone a robust scientific evaluation and that are considered to satisfy the criteria of being a Substance of Very High Concern (SVHC). Under the former leadership of the European Chemicals Bureau, European authorities have had a robust, scientifically-based process in place for identifying such substances for many years.

This process has now been superseded as a result of REACH coming into force but the Commission has signalled its intent to continue to focus on identifying, controlling and, if practicable, ultimately replacing SVHCs. As part of this process they have recently finalised the first list of 15 substances that they consider meet the criteria as an SVHC and whose use will be considered for authorisation. Unless industry can successfully demonstrate that the use of these substances does not pose an unacceptable threat to man and/or the environment, or that they have a socio-economic benefit without the possibility of substitution by another substance, then their use is likely to be severely restricted in future and they may disappear from commerce in Europe completely.

Various non-governmental organisations are philosophically opposed to the evaluation and authorisation process described in REACH and have consistently campaigned for a more 'precautionary approach', especially with regard to substances they perceive to be responsible for environmental harm. It is anticipated that such organisations may periodically publish their own list of SVHCs in an attempt to influence the European authorities and/or the supply chain (see Appendix 1).

REACH describes a reasonably robust, scientifically-based process for defining SVHCs and how such substances can be more rigorously controlled so that their risk to man and/or the environment is manageable. It is almost universally accepted that REACH is the most complex legislation ever imposed on any industry and there is still a great deal of confusion and misunderstanding within all supply chains. We firmly believe that the establishment of other lists of substances suspected to be of high concern will create even more confusion in different supply chains by publishing conflicting information. **ATC believes that it is vital that industry is allowed to work within the given scope of REACH, in its prescribed form, giving it a fair chance to meet its objectives.**

As part of their REACH obligations, ATC member companies continue to develop data intended to mitigate concern about the SVHC status of substances present in petroleum additive products. Much of the definitive testing required to confirm or exclude SVHC status for a particular substance will emerge over the longer-term in subsequent Annexes IX and X data sets. Furthermore, as part of its ongoing product stewardship programme, ATC member companies will continue to engage all key stakeholders in informed discussion concerning the relative risks associated with the substances used to produce petroleum additives.

Appendix 1 – Non-official Authorisation Candidate Lists

Chemsec 'Substitute-It-Now' (SIN) list - published 17 September 2008

European Trade Union Confederation – published 31 March 2009