



**EUROPEAN COMMISSION**

Directorate-General for Environment  
Circular Economy and Green Growth  
**Sustainable Chemicals**

Directorate-General for Internal Market, Industry, Entrepreneurship and SME's  
Chemicals and Consumer Industries  
**REACH**  
**Chemicals and Plastic Industries**

Brussels, 16/02/2021

Doc. **CA/05/2021**

**38<sup>th</sup> Meeting of Competent Authorities for REACH and CLP (CARACAL)**

**Open session**

**3 – 4 March 2021**

**Online**

**Concerns:** **REACH Review Action 3: Improving the workability and quality of extended Safety Data Sheets (eSDS)**

**Agenda Point:** **9.2**

**Action Requested:** **Competent Authorities and observers are invited to take note of the document. Written comments should be sent by 31 March 2021 to:**

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**CARACAL PAPER**

**ON REACH REVIEW ACTION 3**

**- ECHA'S SUPPORT "ON HOLD" -**

**REACH REVIEW ACTION 3 (RRA3):  
Improving the workability and quality of extended Safety Data Sheets (eSDS)**

*Action 3(1): The Commission encourages more industry sectors to develop and use harmonised formats and IT tools that would provide more user-targeted information and simplify the preparation and use of extended Safety Data Sheets as well as facilitate their electronic distribution;*

*Action 3(2): The Commission will consider including minimum requirements for the exposure scenarios for substances and mixtures in Safety Data Sheets and request ECHA to develop a methodology for Safety Data Sheets for mixtures.*

## **1. INTRODUCTION**

This paper reports the decision by ECHA's Management Board to pause ECHA's support to communication in the supply chain and its consequences for ECHA's work on REACH Review Action 3 and the related supply chain duties under REACH.<sup>1</sup>

The decision was triggered by constraints in ECHA's overall resourcing and its ability to meet core targets in relation to the Integrated Regulatory Strategy. This resulted in a de-prioritisation of ECHA's work on the REACH supply chain. Note, however, that our work on Chemical Safety Assessment and Chesar will continue.

At CARACAL-37, COM and ECHA introduced document CA/60/2020 and summarised the draft Development Plan for REACH Review Action 3. The Plan, put together with the stakeholders who made up the Exchange Network on Exposure Scenarios (ENES), and the Commission, described in detail the system changes and enhancements required to improve the workability and quality of extended Safety Data Sheets to better serve the whole supply chain.

As regards the Development Plan, the initial reaction of CARACAL members (Member States and interest groups) was supportive.<sup>2</sup> Members were invited to provide written responses to four specific questions about the Plan by 1 December 2020. In so doing, the Commission and ECHA then possessed the overall views for the December 2020 ECHA Management Board meeting.

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<sup>1</sup> 60<sup>th</sup> Meeting of the Management Board 16-17 December 2020.

<sup>2</sup> See Doc. CA/94/2020, Draft Summary Record, 37<sup>th</sup> Meeting of Competent Authorities for REACH and CLP, Commission.

## 2. WHAT ECHA'S DECISION MEANS / IMPACT

In practice, this decision means that as of the beginning of 2021, ECHA will pause its support to supply chain communication. The internal resources released will be allocated to current priority areas such as regulatory risk management.

In respect of REACH Review Action 3, pausing ECHA's activity means no work by ECHA on the building blocks as foreseen in the draft Development Plan. This includes method for mixtures (which was a specific task directed at ECHA in the REACH Review 2018); minimum requirements for exposure scenarios; standardised XML format or other aspects of the downstream supply chain. ECHA's driving role in coordinating the *Exchange Network on Exposure Scenarios* (ENES), the collaborative network between ECHA and stakeholders that has been active for many years to improve communication in the supply chain, will now be on hold, as will its secretariat function to that community.

ECHA's Management Board's decision and its repercussions for ENES+ and ENES-related tools on which ECHA has collaborated were shared with the ENES Coordination Group in January.<sup>3</sup> In most areas ECHA will halt its contributions. However, ECHA intends to maintain some investment, albeit at a minimum level, for sector use maps and the library of use maps on its web site as this tool has a direct benefit to REACH registrants in updating and improving their chemical safety assessment (CSA) in their dossiers.

Despite the disappointment expressed by many ENES+ stakeholders on ECHA's changed role, it was pleasing/encouraging to learn that those stakeholders active in helping to design the RRA3 Development Plan expressed the desire to continue, if/where possible, with the progress made and to maintain the stakeholder community, ENES. Industry stakeholders now need to clarify their "next move" as regards RRA3 and whether/how they will continue investment in the Plan's proof of concept phase. However, ENES stakeholders did voice the concern that ECHA's absence from the development process is likely to significantly reduce the companies'/managers' readiness to invest resources on their side.

ENES is just one community and stakeholder with whom ECHA has engaged in the last 1-2 years on REACH Review Action 3. Others include (although to a lesser extent) the ECHA Forum and Member State groups such as RiME+ and the REACH Expert Exposure Group (REEG), as well as counterparts in the occupational and environmental communities, not least DG Employment and its advisory bodies, the Advisory Committee on Safety and Health and Work (ACSH) and the Committee of Senior Labour Inspectors (SLIC).<sup>4</sup> Representatives from their working groups have contributed actively to ENES+ in the preceding months. Indeed, the ACSH included activities arising from RRA3 and contribution to the work on ENES in the Working Party on Chemicals' mandate 2021-2024.<sup>5</sup> ECHA is in the process of informing these diverse stakeholders on the Management Board's decision via various communication channels.

## 3. NEXT STEPS

At ECHA's Management Board, the Commission services indicated that it would reflect on the decision, with a view to hold bilateral discussion with ECHA in the future, to determine if, and at what point in the future, the institutions decide to provide a direct mandate and

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<sup>3</sup> Tools and industry-led initiatives such as ESCoM and the Lead Component IDentification method (LCID), as well as BAuA's REACH2SDS project.

<sup>4</sup> ACSH via its Working Party on Chemicals, SLIC via its Chemex Working Group.

<sup>5</sup> Adopted 10/12/2020.

the corresponding resources for focusing again (more) on supply chain communication support. ECHA expects this is likely to take years, rather than months.

In the shorter term, ECHA is re-defining what it will continue to do for Chemical Safety Assessment (CSA) and at what level of intensity, in the absence of the complementary work on supply chain. This means continued investment in the Chesar (Chemical Safety Assessment and Reporting) tool, which is undergoing a major re-development during 2021, together with the need for further dialogue and developments in terms of the various exposure models used for the CSA process.<sup>6</sup> ECHA is willing/prepared to inform CARACAL on these developments later.

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<sup>6</sup> Chesar <https://chesar.echa.europa.eu/>