

# Feedback on authorisation from NGOs

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Workshop - shared experience on Applications for Authorisation

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- Scope of the application
- Analysis of alternative
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# Scope of the application

- Applications should be specific;
- A use or uses for which it is intended to place the substance on the market;
- The scope should allow a specific analysis of alternative for that use;
- Generic use descriptors could lead to discarding alternatives because they cannot apply to all use scenarios.

# Analysis of alternatives

- The goal of authorisation is find suitable alternative:
  - Substances;
  - Technologies.
- Authorisation is (downstream) use specific;
- Unless applying for authorisation to manufacture, the analysis of alternative must addresses the function;
- The technical and economic feasibility of alternatives for the applicant should be discussed from the point of view of the user of the substance.

# Transparency

Aarhus Convention Article 4(4):

- A request for environmental information may be refused if the disclosure would adversely affect:

*d. The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed.*

# Legal remedies for NGOs

## **Internal review of decisions granting authorisation**

- Any non-governmental organisation which meets the criteria set out in Article 11 is entitled to make a request for internal review to the Community institution or body that has adopted an administrative act under environmental law or, in case of an alleged administrative omission, should have adopted such an act.
- ‘administrative act’ means any measure of individual scope under environmental law, taken by a Community institution or body, and having legally binding and external effects.

# Conclusions

- Early experiences show mixed application of the REACH principles of the authorisation Title;
- Authorisations with a precise scope allows finding suitable substitutes for a function;
- Confidentiality on information on SVHC should be kept to a minimum, especially in relation to exposure;
- NGOs have legal remedies to challenge authorisations granted.

# Thank you

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