

Development of minimum requirements and institutional parameters for the „adequate control“ of hazardous substances

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Carried out by:

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Background and tasks

Under REACH substances of very high concern may fall under an authorisation or restrictions procedure. The aim of these is to ensure that measures are taken to minimise risks from their use as far as possible and to promote substitution of these substances. For substances for which a safe exposure threshold cannot be established it has to be demonstrated in the authorisation application that the socio-economic benefits of the use of the substance exceed the risks. In any case the exposure has to be minimized.

Objectives and expected results

The aim of the project is to develop minimum requirements for the adequate control of substances, which are considered as being of very high concern from the point of view of natural sciences as well as from a legal point of view. Furthermore the question of what can be simple and verifiable indicators for emission, imission and success monitoring has to be addressed.

In case study examples on two existing chemical substances (DecaBDE and PFOA) the data situation as well as measures for emission reduction measures already undertaken by industry will be described. Under the assumption these substances would be of very high concern (Article 57f) and would have to be authorised under REACH, possible requirements for an application for authorisation will be derived. Furthermore possible conditions for the authorisation will be worked out.

Legal minimum criteria for the management of substances of very high concern will be analyzed juristically in terms of the instruments provided by REACH. The possibilities for legal flexibility in the authorisation will be evaluated and similar concepts from other areas of legislation will be examined in order to identify models which have been successfully implemented.

A further main focus of the project is the development of strategies to include monitoring in the concept of adequate control of substances of very high concern.

The project will be carried out in close coordination with the Federal Environment Agency as well as other actors from industry and authorities. The results will be discussed in workshops and presented in a final report.

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