

OS 2.2.3 ASO workshop of the project REF-9 on REACH Authorisation

Forum - 45

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Workshop with ASO on the REF-9 project

Re-cap of the REF-9 enforcement project report:

- Enforcement project focusing on **substances subject to an authorisation** requirement under REACH (Annex XIV)
- Target: **downstream users using authorised substances** and checks for compliance with the authorisation decision (indeed, 90% of cases did cover downstream users)
- Operational phase of inspections: **2021 and Q1/2022**
- Most **inspected downstream users were covered by “upstream authorisations”** (88% of cases)
- Most **downstream users were using Chromium (VI) substances** (e.g. 47% of cases covered Chromium Trioxide)
- **40% non compliance** mainly due to **supply chain communication problems**

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Findings of REF-9 were analysed and discussed with stakeholders and industry in a workshop:

- The workshop focused on
 - **Uses linked to upstream authorisations of Chromium (VI)**
 - **Results and recommendations** of the REF-9 project
 - **Practical experiences** of enforcement authorities
 - **Impact of REACH authorisation** on usage of and on exposure to SVHCs.
 - **Industry experience and perspectives:** shared by KOVA-KROMI OY; Aerospace & Defence Chromates Re-authorisation (ADCR) Consortium, VECCO e.V. / HAPOC GmbH
 - Date of Workshop: 12. May 2023
 - [Link](#) to workshop material

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Examples of issues raised by workshop participants as regards awareness:

- **Authorisation holders** to analyse/explore where and why things go wrong in the supply chain communication and which of their action have been effective
- **Seek for direct communication** between authorisation holder and downstream users (information campaigns, establish consortia arrangements)
- **Require downstream users to participate in trainings** (authorisation conditions)
- Member State's **awareness campaigns** on compliance with **authorisation decisions** AND overlapping national **workplace safety** or **site permit rules**

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Examples of issues raised by workshop participants as regards awareness:

- Address **also distributors and formulators** in the training / awareness raising efforts
- **ECHA and COM to provide further support** (workshops, awareness raising) in general and on specific legal uncertainties / unclarities (e.g. planned bans for certain uses)
- **Awareness raising should deliver clarity, predictability and certainty** for uses covered by authorisations (e.g. upfront an authorisation review)

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Overall conclusions of workshop participants:

- Participants **agree on the main results and conclusions** of REF-9
- **Supply chain communication is the challenge** for any upstream authorisation. The **ability of downstream users to understand** the information provided is to be improved (training)
- **All actors in the supply chain** need to be involved in providing this training to downstream users (reach out to all downstream users)
- Handling information and communication is best covered in **consortium** type arrangements of **authorisation holders, suppliers and downstream users**

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Overall conclusions of workshop participants:

- **Upstream authorisations are the most efficient use of resource** for authorising substances compared to the current trend to move to numerous individual authorisations for the same uses. **Improvements in the supply chain communication** help in preventing this trend.
- Extend **communication obligations** to **formulators and distributors** (conditions in authorisation decisions, amendments to the REACH Regulation)

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Conclusions

- The ASO workshop was a very active event with a lot of brainstorming and discussions targeting potential improvements for the matter “upstream authorisations”
- Such kind of ASO workshops clearly generate added value to the conduction of enforcement campaigns (REF-projects) for all parties

... still, implementation challenges do not get less:

- The **annulment of important upstream authorisations** by the European Court from April 2024 onwards has changed the “macro weather situation” for upstream authorisations substantially

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