

POSITION PAPER ON RMOAs

Towards a more effective and consistent RMOA process to support the ambitions of the European Green Deal

The CII encourages an open and inclusive discussion between authorities and stakeholders on how to further improve Risk Management Option Analyses (RMOAs)

May 2020

On 11 December 2019, the European Commission published the European Green Deal announcing its intention to adopt a new chemical strategy for sustainability in 2020. This strategy will aim at combining better health and environmental protection with increased innovation and global competitiveness. To this end, the Commission announced its plan to review how to better use the EU's agencies and scientific bodies to move towards a process of 'one substance – one assessment' and to provide greater transparency when prioritising action to deal with chemicals.

The role of RMOAs in the European Green Deal

The CII believes that **(1)** RMOAs could be useful to **support the implementation of a 'one substance – one assessment' process**, as they are the ideal tool to obtain clarity as to which risk management option(s) could be preferred and could ensure integration between different pieces of chemicals legislation, as well as the involvement of competent authorities as appropriate. The CII considers that **(2)** a more consistent and predictable RMOA process could **help improve the prioritisation of the most appropriate risk management measures** and bring the European Green Deal's health and environmental objectives to life. Moreover, the CII considers that **(3)** Guidance or Guidelines on RMOAs could effectively be used to **clarify the interface between the REACH and OSH** (Occupational Safety and Health) legislations, as requested by the Council in its 10 December 2019 Conclusions on OSH.

Background

Since their introduction in 2013, **RMOAs have enabled better decision-making** around the regulation of risks associated with the use of chemical substances, aiming at identifying the most appropriate measures to address concerns. However, RMOAs are conducted by different authorities (either ECHA or Member State competent authorities) and no official guidance on the RMOA process has been published yet. This poses a **challenge in terms of consistency, effectiveness and predictability**. Improving the RMOA process would enable authorities to take the most appropriate measures to protect human health and the environment, while also enabling European businesses to continue investing in R&D in a predictable, consistent, proportionate, and non-discriminatory regulatory environment.

Predictability and coherence of RMOAs are currently supported by a set of voluntary and informal mechanisms such as the Risk Management and Evaluation Platform (Rime+) and a basic and unpublished template for RMOAs. Furthermore, stakeholders are informed about the intentions for an RMOA via the ECHA Public Activities Coordination Tool (PACT). However, although RMOAs usually require information that goes beyond what is required to be included in REACH registrations, such **mechanisms do not specify** what data will be needed during the RMOA and **what stakeholders can effectively do to prepare for the process**. As a result, the nature of the data considered, the role of socio-economic aspects, the assessment of potential impacts of chemicals management regulation on other policy objectives and the procedure followed during the RMOA often differs between authorities. Hence, the **current approach may lead to very different conclusions in directly comparable cases and therefore to discriminatory regulation**.

A need for clear and consistent guidelines

Without clear guidelines, authorities and industry jointly struggle to gather the requisite data for an RMOA. This results in delays and very limited data being considered for the RMOA, which makes the outcomes less reliable and the process more prone to lead to disproportionate conclusions. **To the CII it appears necessary to establish a clearer framework**.

We **emphasise that the clearer RMOA framework should not lead to making RMOAs more burdensome for authorities**. A clear structure may enable more Member States to contribute to the RMOA exercise and guidance would allow industry to prepare beforehand, thus ensuring that Member States obtain the sought information more swiftly.

The CII call

The CII therefore calls for defining a clear scope of RMOAs and improving their effectiveness and consistency, ideally by **authorities publishing an RMOA Guidance document**, specifying:

- **the nature of data to be considered in the RMOA process;**
- **a standardised risk assessment framework;**
- impact assessment taking into account **socio-economic aspects**, as suggested by the Commission in the 2nd REACH review;
- **a set of criteria to help choosing the most appropriate risk management option**, considering that the most appropriate risk management measures could be achieved through **other sectorial regulatory frameworks such as OSH or EQS** (Environment Quality Standard); and
- **recommendations for consulting stakeholders** during the RMOA process.

Conclusions

The further improvement of the RMOA process with a view to increase consistency and predictability could contribute to more reliable and robust decisions, enable better

protection of both human health and the environment while preserving the competitiveness of the European industry. This work will contribute to achieving the objectives of the European Green Deal, in particular if RMOAs will be used as tool to achieve the ‘one substance – one assessment’ objective.

The CII aims to conduct the discussion on improving the effectiveness and consistency of the RMOA process also at a technical level. Therefore, a more detailed technical paper is available.



Annex: List of signatory organisations

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European and global associations and platforms

1. ACEA – European Automobile Manufacturers’ Association
2. ADCA Taskforce
3. AmCham EU
4. BSEF – The International Bromine Council
5. Cadmium Consortium
6. CAEF – European Foundry Association
7. CI – The Cobalt Institute
8. CECOF – The European Committee of Industrial Furnace and Heating Equipment Associations
9. CEMBUREAU – The European Cement Association
10. CEPE – European Council of the Paint, Printing Ink and Artists' Colours Industry
11. Cerame-Unie – The European Ceramic Industry Association
12. CETS – European Committee for Surface Treatment
13. CheMI – European Platform for Chemicals Using Manufacturing Industries
14. ChemLeg PharmaNet
15. CIRFS – European Man-made Fibres Association
16. CPME – Committee of PET Manufacturers in Europe
17. EAA – European Aluminium Association
18. EBA – European Borates Association
19. ECFIA – Representing the High Temperature Insulation Wool Industry
20. ECGA – European Carbon and Graphite Association
21. ECMA – European Catalyst Manufacturers Association
22. EPMF – European Precious Metals Federation
23. ETRMA – European Tyre & Rubber Manufacturers’ Association
24. Euroalliages – Association of European Ferro-alloy Producers
25. EUROBAT
26. EUROFER
27. Eurometaux
28. Euromines
29. FEPA – Federation of European Producers of Abrasives products
30. Frit consortium
31. Glass Alliance Europe
32. I2a – The International Antimony Association
33. ICdA – International Cadmium Association
34. IIMA – International Iron Metallurgy Association
35. IMA Europe, the Industrial Minerals Association – Europe
36. IMAT – Innovative Materials for Sustainable High-Tech Electronics, Photonics and Related Industries
37. Ipconsortium
38. Lead REACH Consortium
39. MedTech Europe
40. Nickel Institute
41. PRE – The European Refractories Producers Federation
42. RECHARGE – European Association for Advanced Rechargeable Batteries
43. SMEunited
44. UNIFE – The European Rail Industry

National associations

45. A3M – Alliance des Minerais, Minéraux et Métaux (French Ores, Minerals and Metals Association)

46. ASSOGALVANICA – Associazione Italiana Industrie Galvaniche (Italian Plating Industry Association)
47. BCF – British Coatings Federation
48. BVKI – Bundesverband Keramische Industrie e.V. (German Association of the Ceramic Industry)
49. ION – Vereniging Industrieel Oppervlaktebehandelend Nederland (Dutch Association for Industrial Surface Treatment)
50. NFA – Non-Ferrous Alliance
51. SEA – Surface Engineering Association
52. VDA – Verband der Automobilindustrie (German Automotive Industry Association)
53. VDFFI – Verband der Deutschen Feuerfest-Industrie e.V. (German Association of the Refractory Industry)
54. VdL – Verband der deutschen Lack- und Druckfarbenindustrie e. V.
55. VDS – Verband Deutscher Schleifmittelwerke e.V. (German Abrasives Association)
56. WKÖ – Wirtschaftskammer Österreich (Austrian Federal Economic Chamber)
57. WVM – Wirtschaftsvereinigung Metalle (German Metals Trade Association)
58. ZVO – Zentralverband Oberflächentechnik e.V. (Central Association of Surface Technology)

Corporations

59. Colorobbia
60. DALIC
61. Esmalglass itaca
62. Ferro
63. Smalticeram