

Mr Romano Prodi,
President of the
Commission of the European
Communities
Rue de la Loi 200
BE - 1049 Bruxelles

Brussels, 28th October, 2003

Dear President Prodi,

European Chemicals Strategy, REACH

We are writing to you in order to express our concern over the impact assessment process prepared by the Commission services vis à vis the impact on downstream user industries of the forthcoming "REACH" legislation.

The first impact assessment for the chemicals industry was completed in mid-2002. A second assessment was made later for the downstream user elements. The conclusions of the impact study were published after the Internet consultation had started giving us limited possibility to respond whilst having to comment on the workability of the system. The second study was we feel inadequate for a legislative project of such magnitude.

From versions of the texts, which were made public recently, it is clear that the Commission services are attempting to address some of the principal concerns of the downstream industry and this is a welcome development. However, we feel strongly that the Commission should nevertheless undertake a more in-depth and comprehensive impact assessment for downstream users prior to the final adoption of the proposal for a Regulation.

This assessment should address equally the environmental, social and economic dimension as a result of higher cost and product derationalisation. Until now, this has not been done. The Commission estimates that it will cost DU between 2.8 to 5.2b on the basis that 1 to 2% of substances will be withdrawn. This estimation of only 1 to 2% of substances is however likely to be too low. According to industry estimates the economic impact is likely to be far more significant. An impact assessment is needed to check which downstream user industry and especially in the field of research and development will be most impacted by the proposals.

We also would like to express our concern that the draft regulation is not ready to be turned into a formal Commission proposal. This important legislative instrument will introduce significant changes and it will be directly applicable across the EU. Therefore, the current lack of clarity in the provisions, risks presenting our industries with unintended and expensive complications. Before the adoption of the proposal, critical elements such as the identified use, exposure scenarios should be made clear.

We feel that all relevant DG's for such a complex legislative piece should be involved from the initial phase and should be working in cooperation with each other to achieve the Commission's goal of better regulation. Our industries support the overall objectives of REACH and look forward to cooperating closely with the Commission, Parliament and Council in order to realise these goals.

We are confident that you are able to assist us on this point of process in light of continuing efforts to achieve better regulation and would like to thank you in advance for your time to consider this important matter.

Yours sincerely,



Martin Spaet
Director
EECA-ESIA



James Lovegrove
Managing Director
AeA Europe



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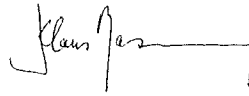
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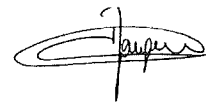
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