

The future of the European Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

House of Commons Environmental Audit Committee

Which? is the largest consumer organisation in the UK with more than 1.5 million members and supporters. We operate as an independent, apolitical, social enterprise working for all consumers and funded solely by our commercial ventures. We receive no government money, public donations, or other fundraising income. Which?'s mission is to make individuals as powerful as the organisations they have to deal with in their daily lives, by empowering them to make informed decisions and by campaigning to make people's lives fairer, simpler and safer.

1. Which? welcomes this opportunity to submit evidence to the Committee's inquiry. It is essential that consumer interests, rights and protections are prioritised in negotiations for a future relationship and trade agreement with the European Union (EU) and the wider world. Consumers spend on average almost £100 billion each month and so consumer confidence is also fundamental for economic growth.
2. The EU's Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) provides UK consumers with fundamental cross-cutting protection. This is also reinforced by regulation of chemicals used for specific consumer products (e.g. food, cosmetics, medicines). This protection must not be undermined and opportunities to strengthen it, for example in relation to the level of responsiveness to emerging issues or new technologies (such as nanomaterials) and transparency of the system, should be taken.
3. REACH differs from the approach to regulation of chemicals in other parts of the world. There may be pressure to revise and deregulate the framework, as well as to accept lower standards as we seek to negotiate free trade agreements with a range of potential trading partners. This would be short-sighted as it would undermine both consumer safety and potentially longer-term consumer confidence across a broad range of sectors.
4. The precautionary principle must continue to be at the heart of the principles that underpin a future UK chemicals regime, as should the aim within REACH to prove a high level of protection of human health and the environment from the use of chemicals. This is essential in order to ensure and promote responsible innovation that is in consumers'



interests.

5. There are several aspects of REACH that are fundamental to this protection. Core to REACH is the principle of “no data; no market”. This establishes that it is the responsibility of businesses to ensure and to demonstrate the safety of their products. This differs to other regimes - such as the approach to regulation in the US under the Toxic Substances Control Act (TSCA) - where there is a greater burden on public authorities to demonstrate lack of safety. REACH also has specific provisions for chemicals known to be more dangerous (substances of very high concern), requiring plans for replacement with safer alternatives to be included as part of the authorisation procedure.
6. Regulation of chemicals has to be underpinned by a transparent, independent assessment and enforcement regime. The European Chemicals Agency (ECHA) is central to the approach set out under REACH. The UK’s continuing relationship with the Agency, as well as the development of a greater national capacity will be crucial in order to ensure trust in the independence of any future regime and scientific assessments. This includes ensuring access to the Agency’s expertise and data, as well as research and independent scientific experts that support the system and therefore consumer safety at national level. Effective enforcement is also a key concern.

For more information,
Contact Simon Markall on 020 7770 7353 or simon.markall@which.co.uk
Which?, 2 Marylebone Road, London NW1 4DF

Which?
January 2017

Annex: Consumer principles that must underpin the negotiations

There are five over-arching principles that Which? considers need to be upheld across different sectors in order to protect consumer interests as part of the negotiations. These can be summarised as follows:

- **The importance of monitoring and understanding the impact on the cost of living across different markets** - and managing this as effectively as possible so that consumers, or certain groups of consumers, are not unnecessarily 'squeezed.'
- **Ensuring essential consumer rights are maintained** – many of the rights that consumers have come to expect (and may not necessarily even be aware of until they need them), are currently shaped and determined at EU level. Consumers need to continue to have access to a range of competitive products and services, confident that there is no undermining of these rights - and where appropriate, opportunities to enhance these protections should be taken.

Which?

- **Safeguarding consumer protection and safety** - this includes maintaining a robust system for product safety and standards - and ensuring that key principles established through EU law, such as the precautionary principle, are not undermined. This will be particularly important if negotiating trade agreements with countries that have lower standards of protection and less independent oversight.
- **A robust system of consumer enforcement** - underpinning many of these aspects is the need to make sure that there is effective enforcement where EU law currently specifies responsibilities. In globalised markets, co-operation will continue to be essential.
- **Consumers must have a seat at the table** - consumer interests have to be understood and addressed from the outset of the negotiations. Consumers spend on average almost £100 billion each month and so consumer confidence is also fundamental for successful economic growth.