cefic

Director General

Mr Bjorn Hansen
Executive Director
ECHA
FI - 00121 Helsinki

28 April 2020

Dear Mr Hansen, Dear Bjorn,

We hope you, your family and the team at ECHA are well. We appreciate the help you are giving the companies, your flexibility and support, especially on the disinfectants and BPR.

ECHA's dedicated COVID 19 website is very useful.

I am writing to follow up on your notification to industry on ECHA's website from March, announcing that there will be specific COVID-19 contingency measures put in place to create additional flexibility for industry. As you know, we are not a sector that has been calling for blanket delays despite challenging times, but it is becoming timely to request further clarity about these measures you envisaged.

I would also like to take this opportunity to offer you and ECHA staff with an update of the industry's focus and response since the crisis began, which sets out some relevant context.

**How has Europe's chemical industry been addressing the crisis so far?**

As industry, we have focused on keeping operations going as much as possible, while keeping workers safe and employed. That means separating shifts, plant workers from office workers and fire brigades and even more elaborate use of PPE. Building on our Responsible Care systems in the plants, we have so far been able to keep most installations in Europe running. But it is truly all-hands-on-deck to achieve this. Some companies are closed, where others had to put staff on temporary unemployment. Where possible, teams work from home. We learn on a day-by-day basis how interwoven the sector is. Solving one problem in one part of Europe or the industry often leads to shortages elsewhere. With transport temporarily blocked in the last months in several moments, new solutions had to be found.

The chemical industry has been designated as an essential or strategic sector in most EU Member States and has access to Green Lanes, especially when delivering into healthcare and pharma sectors and water treatment installations. Thanks to Member States and ECHA, companies have been able to significantly increase production of disinfectants and provide these to healthcare workers in many countries.

The Commission has heard the call to re-shore production of API back to Europe and become less dependent. Most important for us is the need to have European solutions in place, with the Single Market at the core of the Green recovery package that is now developed. EU solutions and EU regulations need to prevail above national approaches. We also need to be very vigilant for imports of substances and articles and hope the REACH enforcement forum keeps growing in impact and scope.

Important to say is the industry will not compromise on safety. Our industrial safety compliance continues despite the extraordinary constraints and it is vital we keep human and financial resources firmly prioritised in these areas. In this respect we have called to allow maintenance crews to cross borders and in the future ensure EU wide recognition of different COVID tests done in different Member States.

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One of the associated challenges we face is to comply with some of the regulatory deadlines. There are good reasons for this, many outside the industry's control. For example, tests in some cases cannot be done simply because laboratories are closed. Shipments are delayed and academic studies are postponed. Members are reporting delays in procuring and scheduling new studies and initiating or finalizing studies. This is due to lack of materials, equipment or consumables from their supply chains, and travel restrictions and/or social distancing measures reducing their capacity. Similar challenges apply to many of the support sectors, as to the chemical industry, including CROs, consultants and legal support.

We are aware that MSCAs, already having to struggle with resource limitations before the crisis, are similarly affected in both putting in place emergency measures to place more disinfectants on their market and facing the same restrictions in capacity due to the disruption of normal routines.

**We appreciate ECHA's initiative to introduce special Covid-19 measures but request further clarity.**

ECHA has put in place measures allowing companies to meet deadlines set by ECHA decisions. It is very positive that ECHA is willing to consider individual requests from companies demonstrating that they are not able to contribute in time as a result of the pandemic crisis. Companies in our membership do face a broad set of regulatory deadlines and do their best to meet them. Many have however asked for help and inquired if deadlines can be extended to allow to focus on solving COVID19 related questions.

In is clear some deadlines stem directly from EU and/or national legislation and ECHA is not in a position to change these timelines. We understand that the Commission itself is reflecting on ways to address the concerns raised, which affect many sectors in similar ways and occur at many levels (such as in relations with rapporteur Member States, EU agencies such as ECHA and EFSA, and the Commission). We will ask our members, as requested by the Commission, to document any delays encountered and the concrete respective reasons, in the most specific manner and per task and dossier/substance concerned. Evidence should be kept on the exact nature of the issue and the efforts undertaken to limit and contain delays.

For the past weeks the ECHA COVID website shows the following text:

***During these exceptional circumstances, we understand that companies may be lacking human or financial resources or facing technical difficulties in meeting the deadlines set in ECHA's decisions. We are, together with the European Commission, working on special arrangements to allow flexibility for companies. Once the details have been agreed, we will update them here.***

We have referred members to this text and are in need for additional clarification and details. Could ECHA please inform us when these arrangements will be communicated and when they would be in place?

We do not ask for blanket delays for broad policy areas. Instead there is a clear need for clarity and transparency from ECHA what these arrangements could be for BPR, REACH and CLP specifically. For example, one could imagine extending commenting deadlines of specific consultation periods in the interests of allowing all stakeholders, including smaller sized companies or NGOs, fairer chance to contribute or by providing a standardised, six-month extension for proven cases. It will help our members to prioritise and also communicate to their stakeholders what to expect and what cannot be delayed.

This becomes very urgent as the crisis now moves into May. Appreciating your reply, Kind regards

Signed

Marco Mensink