

Helsinki 8 April 2020

Holger Lösch
Deputy Director General
Bundesverband der Deutschen Industrie e.V.
Breite Straße 29, 10178 Berlin

By email H.Loesch@bdi.eu

Dear Mr Lösch,

Thank you for your letter of 25 March in which you welcome ECHA's immediate measures facing the COVID-19 situation and request an extension of the measures to other processes in the field of chemicals regulations (e.g. stakeholder consultations).

ECHA is committed to do everything within its remit to support companies across Europe. We do this in close coordination with the European Commission and other EU bodies, and with due consideration to our duty to protect citizens and the environment. We published the immediate measures we put in place on a dedicated section of the ECHA website¹ and will keep this section updated over the coming months to provide timely advice to companies.

The measures we announced concerned deadlines that ECHA can set towards individual companies without legal consequences on third parties. The suggestions in your letter go further than this, and require due consideration by the European Commission and the legislator. I note that you have addressed your letter also directly to the Commission which is indeed the correct Institution to consider potential changes to the legislative framework in response to the crisis.

As regards the deadlines for industry to notify chemicals of very high concern used in their products to the SCIP database and to notify the composition of their products to the EU poison centres for emergency responses stem directly from EU and/or national legislation. ECHA is not in a position to change these timelines. The same applies to the inclusion of PFOA into the Persistent Organic Pollutants Regulation. ECHA has already finished its scientific-technical work and the legislative proposal is in the hands of the European Commission.

Consultation deadlines for interested parties to submit comments or scientific evidence for harmonised classification and labelling of chemicals, the identification of chemicals of very high concern, EU-wide restrictions or testing proposals are set to fit into the timelines established by the legislator. ECHA can consider individual requests from companies that can demonstrate that they were not able to contribute in time.

Your letter furthermore suggests to postpone new procedures such as the consultation on the restriction report on PFHxA, initiated by the German authorities, or to extend the 6-month consultation by at least 6 months. Regarding PFHxA, the consultation on the restriction report started on 25 March and lasts until 25 September 2020. If the consultation period would be delayed ECHA's Committees for Risk Assessment and Socio-Economic Analysis could not adopt and provide their opinions to the European Commission within the timelines set by the legislator (9 and 12 months), and thus ECHA would not be able to meet its legal obligations.

This said, I understand that there is uncertainty how difficult it will be to communicate and gather information relevant for the consultations. ECHA is willing to re-evaluate later if there is a need for an extension of a specific consultation period. This naturally is subject to receiving sufficient evidence case by case that there are severe difficulties to meet this specific deadline due to the COVID-19 situation.

¹ <https://echa.europa.eu/de/covid-19>

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Together with the European Commission we are doing our best to support industry during these times without compromising the work we need to do for protecting human health and the environment. I invite you to regularly consult our webpage and follow ECHA on social media to keep yourself and your member companies updated on the support we provide. To inform other stakeholders with similar questions to yours we will also publish this correspondence on our website.

I hope you, your staff and their families remain safe in these troubling times, and I look forward to continuing the cooperation with your association and its member companies.

Yours sincerely,

Signed

Bjorn Hansen
Executive Director