



**COUNCIL OF
THE EUROPEAN UNION**



15168/05 (Presse 333)

PRESS RELEASE

Extraordinary Council meeting

Competitiveness (Internal Market, Industry and Research)

Brussels, 13 December 2005

President **Lord Sainsbury of Turville,**
Parliamentary Under-Secretary of State, Minister for Science
and Innovation

of the United Kingdom

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Main Results of the Council

The Council reached a political agreement on the draft regulation for the registration, evaluation, authorisation and restriction of chemicals (REACH), and establishing a European chemicals agency.

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OTHER ITEMS APPROVED*none*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Benoit CEREXHE

Minister of the Brussels Capital Regional Government, with responsibility for Employment, Economic Affairs, Scientific Research, Fire Prevention and Emergency Medical Aid

Czech Republic:

Mr Martin JAHN

Deputy Prime Minister for Economic Affairs

Denmark:

Ms Connie HEDEGAARD

Minister for the Environment and for Nordic Cooperation

Germany:

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature Conservation and Reactor Safety

Estonia:

Mr Tiit NABER

Deputy Permanent Representative

Greece:

Mr Spyros PAPADOPOULOS

General Secretary for Industry, Ministry of Development

Spain:

Mr José MONTILLA AGUILERA

Minister for Industry, Tourism and Trade

France:

Mr François LOOS

Minister with responsibility for Industry

Ireland:

Mr Tony KILLEEN

Minister of State at the Department of Enterprise, Trade and Employment (with special responsibility for Labour Affairs including Training)

Italy:

Mr Alessandro PIGNATTI

Deputy Permanent Representative

Cyprus:

Mr Panicos KYRIACOU

Deputy Permanent Representative

Latvia:

Mr Raimonds VĒJONIS

Minister for the Environment

Lithuania:

Mr Romas ŠVEDAS

Deputy Permanent Representative

Luxembourg:

Mr Georges FRIDEN

Deputy Permanent Representative

Hungary:

Mr Egon DIENES-OEHM

Deputy Permanent Representative

Malta:

Mr Censu GALEA

Minister for Competitiveness and Communications

Netherlands:

Ms Karien van GENNIP

Minister for Foreign Trade

Austria:

Mr Walter GRAHAMMER

Deputy Permanent Representative

Poland:

Mr Piotr Grzegorz WOŹNIAK

Minister for Economic Affairs

Portugal:

Mr Domingos FEZAS VITAL

Deputy Permanent Representative

Slovenia:

Ms Andrijana STARINA KOSEM

State Secretary at the Ministry of the Economy

Slovakia:

Mr Juraj NOCIAR

Deputy Permanent Representative

Finland:

Ms Nina VASKUNLAHTI

Deputy Permanent Representative

Sweden:

Ms Lena SOMMESTAD

Minister for the Environment

United Kingdom:

Lord SAINSBURY of TURVILLE

Parliamentary Under-Secretary of State for Science and Innovation

Lord BACH of LUTTERWORTH

Parliamentary Under-Secretary of State and Minister for Sustainable Farming and Food

Commission:

Mr Günter VERHEUGEN

Vice-President

Mr Stavros DIMAS

Member

The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Roussi IVANOV

Deputy Permanent Representative

Romania:

Mr Zsolt BOGOS

State Secretary, Ministry of Economy and Commerce

ITEMS DEBATED

Chemicals legislation: the REACH system

The Council reached a political agreement on the draft regulation for the registration, evaluation, authorisation and restriction of chemicals (REACH), and establishing a European chemicals agency.

The Council held a policy debate, on the basis of a compromise text drafted by the United Kingdom Presidency (*15155/05*) and additional proposals presented by the Presidency directly to the Council, before unanimously agreeing on a draft text, setting out the contents of its common position.

The Council will formally adopt its common position at a later session once the legal text has been finalised. The common position will be forwarded to the European Parliament for a second reading under the codecision procedure.

The main issues of the debate were "authorisation" and "substitution".

While some delegations stressed the importance of providing for strong incentives or even requirements to substitute dangerous substances, other delegations were worried by the impact on industry if excessive conditions for authorisation were to be adopted. The agreement by the Council strikes a balance between these different views. The proposal as agreed provides that authorisations should not be granted on the grounds of adequate control in the case of substances that are persistent, bioaccumulative and toxic (PBT) or very persistent, very bioaccumulative (vPvB). For substances where it is not possible to determine safe thresholds with current methods, the proposal provides for a review (via a "comitology" procedure) within 12 months after entry into force of the regulation based on work in the REACH implementation projects (RIPs). In addition, it was agreed that applications for authorisations should always include an analysis of possible alternatives by the registrant.

The Council examined other points relating to:

- Exemptions from registration, where a review of the list of exemptions within 12 months after the entry into force is foreseen.
- Substances in articles, where registration deadlines for substances intentionally released from articles are brought into line with substances on their own or in preparations.

- Changes to the definition of existing substances ("phase-in substances") in order to cover all substances listed in the European inventory of existing commercial chemical substances (EINECS).
- The possibility to appoint a third party to act on behalf of a company to keep the identity of registrants confidential under certain conditions.
- The proposal to encourage innovation by relaxing the requirements for obtaining an exemption from registration for substances subject to research and development.
- The information to be made available on the internet by the agency in order to facilitate registration, inter alia for SMEs.

Background

REACH goes back to the Commission's White Paper on a "Strategy for a future chemicals policy" (2001), which drew up a new approach to the EU's chemicals policy, addressing the following objectives:

- protection of human health and the environment;
- maintenance and enhancement of the competitiveness of the EU chemicals industry;
- prevention of the fragmentation of the internal market;
- increased transparency;
- integration of non-animal testing;
- conformity with the EU's international obligations under the WTO;

The Commission adopted the REACH proposal in October 2003;

The European Parliament delivered its opinion at first reading on 17 November 2005.

The Council held several policy debates throughout the preparatory work on REACH in order to give guidance for the examination of the file. Most recently, the Environment Council on 17 October and the Competitiveness Council on 29 November held policy debates leading up to today's agreement.

OTHER ITEMS APPROVED

None
