

Fur Europe's position paper on the REACH

REFIT results

Fur Europe actively participated in the second review of the REACH regulation. We would like to make further comments and suggestions aimed to improve the implementation of REACH in order to accomplish its primary purposes. This includes achieving a high level of human health and environmental protection, promoting innovation for companies, while avoiding unintended negative outcomes affecting SMEs and downstream users along the supply chain - e.g. 'regrettable substitution', over-burdensome procedures, reduced competitiveness of EU enterprises.

Enforcement of surveillance and global coherence

A first unintended consequence of REACH is the potential loss of competitiveness of EU-based companies over extra-EU ones. The enforcement of market surveillance activities by the Member States is key in this sense, and same rules shall apply for companies both inside and outside the EU. Such mechanism would allow for a fairer market, higher quality products and higher human health and environmental protection. Moreover, next to effective surveillance mechanisms, modern highly globalised supply chains requires that the EU and the industry shall seek stronger cooperation with non-European counterparts, in order to streamline standards and industry practices. Within the wider transparency and labelling effort called FurMark, the European fur sector is already engaging with non-EU counterparts - mainly in Asia – in order to develop a common chemical use and chemical pollution scrutiny system that sets REACH requirements as a minimum threshold to be respected.

Smart and forward-looking substitution

The most visible example of innovation enhancement through REACH is the substitution of hazardous substances with safer viable alternatives. While R&D investments are mostly driven by large companies, SMEs also play a relevant role in substance substitution, especially in niche sectors such as the dressing and dyeing of fur. In some cases – such as for formaldehyde – the European fur sector phased out substances way before they were taken into consideration for authorisation or restriction by ECHA. This forward-looking perspective shall also be adopted by the EU and the Member States: restrictions of any substances shall be carefully assessed in order to avoid any regrettable substitution that would not deliver the same or higher level of substance functionality, provide for economic feasibility, and ensure the same of higher level of human health and environmental protection. While fully supporting substitution, the industry, and especially SMEs, shall be given sufficient time and conditions to develop and test alternative substances.

An SME-friendly legislation

Fur Europe welcomes the focus put by the European Commission on knowledge of chemicals and on risk management. Fur Europe would like to remark once more that registration costs are particularly burdensome for SMEs using quantities of 1-100 tons per year, and the investment capacity of SMEs should be better taken into consideration.

Moreover, many SMEs rely on substances produced in third countries, a situation which does not facilitate the collection of the necessary data for registration and increases the needed costs and time.

Finally, it has to be remarked that the expected ECHA result of 30 thousand substances registered was not met, with 21.551 substances registered so far. As a result, non-registered substances cannot be used nor imported in the EU market after the 31 May 2018 deadline. Impacts of this situation are still difficult to estimate in the fur sector, but initial considerations can be already drawn: essential substances might disappear from the EU market, or substances' prices might increase as a result of smaller availability/competition. The EU shall take into consideration any outcome of this situation in the future implementation of chemical policy, to avoid market disruption and loss of competitiveness.

Standards' harmonisation

The enforcement of REACH legislation shall be improved via the definition of standard testing methods for substances (especially substances in articles). Many test methods are already available, but when a substance is restricted many of them could be applied to assess whether an article complies with the restriction's threshold, leading to different results and thus legal uncertainty. In the case of the fur sector this brings to two essential problems: on the one hand, the lack of harmonised testing methods puts companies in a situation of uncertainty about how to comply with the legislation; on the other hand, it allows detractors of the fur sector to misuse tests and information to discredit the sector before the general public.

Cross-contamination: an underestimated threat

Another issue affecting consumer good is cross-contamination, meaning the migration of substances from a good to another during the post-production phase. During transport, storage, retail and consumer use, restricted substances that were not used during manufacturing and were not present on a good at the gate of the manufacturing facilities, might be found in prohibited concentrations as a consequence of cross-contamination. Producers have no control whatsoever on cross-contamination and shall not be deemed responsible for it. While there are still technical limits to address this issue, the EU shall start considering measures to face this problem.

Fair and responsible communication

Beyond the strict field of application of REACH, the chemical policy is a highly technical area which ends up being particularly difficult to communicate to the general public. As already mentioned above, in the case of the fur sector, information about chemical use could be easily misused or misinterpreted to generate aversion towards the sector among the general public. Therefore – and alongside the industry – the EU shall enhance the communication to the general public, as to ensure that a clear understanding about the use of chemicals in manufactured products can be spread among citizens and consumers, demystify myths around the use of chemicals in consumer goods, and avoid that technical information is misused on purpose to the detriment of individual companies or entire business sectors.

To summarise, Fur Europe invites the EU to:

- Enhance effective surveillance mechanisms, and seek stronger cooperation with non-European counterparts, in order to streamline standards and industry practices;
- Build an SME- and innovation-oriented restriction and substitution strategy;
- Progress with the implementation of REACH in a SME-friendly way, considering financial limitations and developing tools to facilitate their transition to hazard-free business models;
- Begin considering the effects of cross-contamination on finished articles in the light of restricted substances;
- Ensure legal certainty by accompanying any future restriction with clear harmonised testing methods;
- Enhance fair and responsible and communication about the use of chemicals in consumer.

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ABOUT FUR EUROPE

Fur Europe represents the entire value chain of the European fur sector including farmers, feed kitchens, auction houses, fur brokers, manufacturing, marketing and fur retailers. A Brussels-based umbrella organisation we represent national associations in 28 European countries.

We exist by the values of openness, transparency and reliability and from this fundament we develop our policies under six sustainability pillars: animal welfare, biodiversity, by-products, environmental footprint, skills and transparency.

Fur Europe was founded in 2014, as a result of a merger between the European Fur Breeders' Association and the European members of the International Fur Federation.