



# Report on event

**Project** LIFE+ project “Baltic actions for reduction of pollution of the Baltic Sea from priority hazardous substances” (acronym BaltActHaz),  
**Reference number** LIFE07 ENV/EE/000122

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**Event** **Implementation of REACH – Experiences, lessons learned**  
Dialog seminar with Stakeholders from the European Union and the Russian Federation

**Place** SanktPetersbur, Pushkin, hotel „Nataly”

**Date** 28 – 29 April 2010

**Participants** See the attached list

**Reporter** Valters Toropovs

*Aim: to inform Russian stakeholders about European Union requirements in frame of chemicals management, in particular REACH, and elaborate dialogue between EU countries and Russia to improve the exchange of information on this subject between interested stakeholders.*

***N.B. This report is written in a topic-based approach rather than a chronological one to give a better reflection on contents and discussions from both seminar days and all sessions.***

## **Part 1 – REACH and related subjects**

Presentations:

- Antonia Reihlen - A brief overview of REACH regulation and the CLP (Classification, labelling, and packaging)
- Hanny Nover, Susan Londesborough - Implementation and enforcement of REACH in the EU member states: cases of Germany and Finland
- Eva Sandberg - The role of the European Chemicals Agency (ECHA) in the process of implementing REACH
- Antonia Reihlen - Using chemicals management as a tool for the reduction of pollution

Discussions:

After the presentations it was discussed the effects of the REACH regulation on non-EU based companies, like Russian enterprises. It was explained by Ms. Reihlen that there will be indirect effect – if a producer of distributor exports a substance or a mixture to

EU, the receiving company will need to fulfil the REACH requirements and, therefore, most probably, will be asking the necessary information from the Russian company. In case when a daughter company of an EU – based company produces chemicals in Russia national legislation applies. Of course, this company might receive some information on, e.g., chemical properties from their mother company if particular substance is foreseen to be exported.

Mr. Ivankov and Mr. Smirnov were interested in how long did the development of REACH took and who were initiators of this process. Ms. Reihlen and Ms. Sandberg told that the development process was very lengthy – it took approximately 10 years. Initiative came from several sides, including responsible authorities and non-governmental organisations. The regulation was developed in the European Commission with involvement of experts and representatives from all member states. The initial process was very complicated as a lot of interest groups expressed their opinions. Several impact assessments were done on how this will influence industry, economics, etc. until it was finally agreed and adopted in 2006.

Mr. Simonov expressed an interest from Russian scientific institutions' side as to how the information collection was and still is being done to fulfil the REACH obligations. It was pointed out by speakers from EU countries that the information for risk assessment is gathered by doing testing. If you don't want to do testing yourself, you can get information from international databanks or buy it from available data sources. In such cases data quality assurance have to be done. Also ECHA have accumulated certain database.

A question rose about REACH enforcement regarding receiving shipments of substances from countries outside the EU and how it is checked whether all necessary information is provided. It was clarified that if large shipment arrives in a EU harbor it is checked whether the substances in question are preregistered. If not, the shipment must be returned. A problem exists on who pays the return expenses, but this is more of customs than REACH problem.

Participants from Russian environmental law enforcements authorities were interested in what is the control mechanism of company responsibility of providing data about substances. Ms. Reihlen and Ms. Nover explained that this is a complex process: as there are so many companies, mixtures and substances, it is impossible to directly control them all. The main mechanism in doing this in REACH is the chain of responsibilities: if a downstream distributor obtains a chemical, responsibility is also passed on, which motivates to check the provided information. It was also agreed that ECHA will thoroughly check at least 5% of registration documents and ask questions to the registrants. Besides, another mechanism is driven by competition between companies: if one of companies inform inspectorate that other one is not complying with REACH, they must go and make an inspection.

A question from St.Petersburg administration arose with regards on how the pathway of hazardous chemicals is controlled, e.g. transportation from harbours to their respective destinations through cities and other populated areas. Participants from EU countries shared their experience that it depends on level of hazardousness of a particular substance or product. For example, for highly hazardous products, it is prohibited to

transport them through particular sensitive areas. All municipalities know if especially hazardous substances are transported through their territory through their national Ministries of Interior Affairs which receives information from transporting permit issuing authorities.

After the presentation of German experience where Ms. Nover informed about national industry inspections about compliance with REACH, the Russian participants were interested what were the most important problems discovered in the German companies. Ms. Nover replied that the main problems were with safety data sheets: mostly with classification of substances and checking of outdated information. In most cases these problems were believed to have occurred due to simple lack of information or flaws in internal chemicals management system, rather than deliberate violations of REACH obligations.

Correspondent from the Moscow municipality newspaper posed a question about if and how marketing and production of substances which can be used as ingredients for synthesizing illegal drugs is regulated by REACH. Ms. Sandberg commented that several national legal acts exist to regulate precursors of illegal drugs. Medical substances are exempted from REACH because several other legal acts exist in both national and EU level which specifically regulate them.

An issue which was very interesting for the Russian participants was who will be compensating losses to the industry which they will be suffering when implementing restrictions of production of several substances as there should be costs for substitution and handling the waste of banned substances. Ms. Reihlen and Mr. Ruut explained that in principle there shouldn't be excessive costs with regards to these issues, as restrictions are not a new thing in EU – it has been happening since 1976. All restrictions from older Directives are included in REACH. Responsibility lies on producers/users of those chemicals, but usually there is a quite long transition period before actual ban of substances comes into force. If after this period you still have these substances, you are responsible for their utilization.

Mr. Smirnov posed a question on when can actual emission reduction from REACH actions start. If first round of information is collected till the end of 2018, would that mean that at least 15-20 additional years after that would be needed to fulfil any actions? In reply speakers from the EU countries explained that even if the registration deadline is in 2018, that does not mean that we will wait until then and start the actions afterwards. Besides that, first analysis of collected data will be done by 2013.

## **Part 2 – Current Russian system of chemicals management and upcoming changes in legal its legal basis**

Presentations:

- Igor Berezin - Information system for monitoring hazardous chemicals, waste, and their transportation via the St. Petersburg area

- Vjacheslav Smirnov - Supervision of cross-border transport, sea transportation of hazardous cargo in St. Petersburg

#### Discussions:

A point that raised great interest in participants from the EU countries was the intention to create an informational monitoring system for Leningrad region for control of flows of chemicals, as mentioned by Mr. Berezin in the first presentation. Mr. Frīdmanis posed a question on what is actually meant by this monitoring program - only chemical flows in industry or also including their pathways in environment. As Mr. Berezin explained, In general this is informational monitoring which would gather information on chemicals import, use and production – total turnover of chemical substances in the whole Leningrad region. Chemicals in environment are already monitored by different institutions, e.g. Vodokanal in the water environment. Mr. Smirnov added that inventory of chemicals in St. Petersburg already existed between 1996 and 2008. But after that legislative changes took place and it was decided to develop a better system which would comply with REACH principles.

Ms. Reihlen asked for specification - will the monitoring system serve to identify which installations are potentially most dangerous, to which Mr. Ivankov clarified, that in principle yes, but the system will also serve as a mechanism how to stimulate these companies to switch to less dangerous alternatives. The new legal basis will deal with two aspects – both hazardous substances and potentially dangerous installations.

Ms. Nover asked if the Russian participants could point out principle points of cooperation between EU and Russia in elaboration of the new chemicals policy for St. Petersburg municipality and Leningrad region. Mr. Smirnov explained that cooperation should take place in creating common system of information exchange in which both sides would agree on common template of necessary data to be provided to each other on all imported and exported chemicals. This could also be used as a tool in Russia to check whether companies are reporting correct amounts and chemicals. Mr. Berezin added that when creating basis for the new legislation they would need to evaluate the current situation, including European system, which must be taken into account. On question whether all material hazards will be include in this new legal basis: biological, chemical and nuclear, it was clarified that the first step will be chemical safety, after that biological. Nuclear safety will not be included in this legislation as separate normative acts already exist for this type of hazard.

Ms. Dudutyte concluded that it would be important to remember that in the EU not only REACH is dealing with management and substitution of hazardous substances. If new legal system is to be developed in Leningrad region which would be also oriented to be in harmony with EU system, it is necessary to take into account all legal acts.

### **Part 3 – Reasons of regulations for several substances in the EU: example of phthalates**

#### Presentations:

- Hanny Nover - Brief overview on scientific work that has formed the basis for REACH using the example of DEHP bis(2-ethylhexyl)phthalate

Discussions:

After the presentation Mr. Smirnov pointed out that phthalates are a known problem in Russia as well. The Russian authorities are aware of western studies in this sphere and they are taken into account. He believes that currently only differences might exist in maximum allowed concentrations. After that Ms. Fammler asked if phthalates will be included in the upcoming legislation changes in Russia, to which Mr. Maloletkin responded that in new normative acts a list of hazardous substances will be included and phthalates are in it, although the work on this list is not yet completed.

#### **Part 4 – Possibilities of further cooperation and information exchange between Russian and European Union representatives**

Discussions:

A question for the Russian side: what is the reason behind Russian interest behind controlling amounts of certain chemicals import in Russia and what is the connection between that and impact on human health and environment? Mr. Smirnov stated that the problem is that several sophisticated chemicals, including hazardous ones, are not being produced in Russia at all. That means that if we want to control the substance flows and regulate emissions we need to know the precise amounts of substances and places where they are transported to. The other issue is accident prevention and assessing potential risks. Ms. Sandberg added that REACH will not be able to provide information on how much of each substance will be exported outside of EU. However, all information on substances which will be exported from EU will be available as it is not possible to produce substance in EU just for export purposes without registering it.

Mr. Ruut suggested that perhaps in Russia the solution for control of chemicals turnover would be a register of products produced in Russia, where it could be found what substances the producers have included in the ready products. Does such a registry exist? Mr. Smirnov pointed out that they have registry of hazardous substances. This also includes whether this substance is found in any ready products. Also all imported products require certification. Product register as such separately does not exist. Mr. Frīdmanis added that he would tend to agree with Mr. Ruut that only such a centralized register in Russia would solve these problems – probably it is not possible to get all information about all products and substances, but it is necessary to define certain criteria which would be priority to gather information on, to what Mr. Smirnov fully agreed and stated that they are already starting actions in this direction.

As an element of checking the reporting efficiency and awareness of composition of used chemical products in the Russian companies, it was proposed to try to adapt the current model of mapping of substances at industry level from BaltActHaz project to several Russian enterprises. This idea was accepted by Mr. Smirnov and Mr. Kukushkin, who promised to find suitable candidates from industries in Leningrad region and designate experts from Russian responsible authorities who would be working with the mentioned model.

All present parties agreed that such seminars are very important to give common understanding of neighbouring systems, increase awareness of factors which play an important role in bilateral cooperation in international pollution prevention and control mechanisms and that similar events should be strongly endorsed and continued by both sides in future.

**Main outcomes and results:**

- It was a definite conclusion from the side of Russian authorities that such seminars are the first step of building a new legislation and would be useful in several Russian federal regions;
- Although the current Russian and EU chemical management systems have some major differences, they are built on similar principles;
- The new Russian legislation of control of chemical products for Leningrad region will be built in a way to ensure better cooperation opportunities with neighbouring countries, also taking into account the EU experience with implementation of REACH, and therefore making a good basis for international cooperation for reducing impacts to the Baltic Sea in the future;
- It is already possible to apply some results from BaltActHaz project to the development of new chemicals policy for Leningrad region, as cooperation in this area could continue.