Commentary Stock-taking conference HOOGOVENS

I'll try and go through several topics in this little talk. Some are related to my work as a SEAC member, some might be a bit more on the policy side. However, be aware that today I only represent my opinions.

A couple of years ago I was also asked to provide a commentary to a presentation by Richard Dubourg at the previous conference on authorization. I talked a lot about the problems SEAC had and still has with providing robust advice to the Commission on upstream applications.

I was actually quite glad to be able to provide a commentary for this specific presentation because I can actually build on some of the comments I made there and highlight what has changed since then. Changes that are beneficial to both SEAC and the applicants.

If I can be frank, upstream applications are a huge hassle to deal with… By definition they are overly broad, complicated and a compromise between all the players involved. For SEAC to be able to give a clear advice, which is what the Commission wants, applications would have to be much bigger than they are now and contain a lot more detail.

If I might now focus for a moment on the AoA, which is my forte… It's SEAC's job to ascertain if there are suitable alternatives for the use applied for. If the use is overly broad then we start wondering if for certain sub-uses, alternatives are available. If we do not find specific information to answer this question then difficulties arise, uncertainty creeps in. As has been shown in the past, this has an effect on the review periods we've recommended to the Commission.

I also think that there are also a lot of disadvantages to upstream applications for companies that are part of it. I think some of the comments in Mr van Rij's presentation bear this out. Downstream users give up their independence and bargaining power. I think multiple past experiences have shown that if there are advantages these do not measure up to the freedom that is lost and the costs that are saved. A certain application we're working on now was actually submitted for this specific reason.

Now on to the positive change I was talking about in my short introduction. Companies saw that SEAC has problems analyzing these upstream applications and listened to our concerns while also making life as easy as possible for themselves. Enter the Multi-downstream

user application which according to me combines the best of both worlds. The narrow scope and detailed information of a downstream user application and sharing of the burden between applicants. I think I don't need to go into more detail, but let me just point out that this approach has proven its worth. Just look at several of the opinions we've delivered for these kinds of applications. If at all possible, I think downstream user companies should follow this multi-downstream user approach instead of relying on their current supplier. It's in everyone's benefit, except the large producers or importers of course…

Ok, let's talk about the future for a bit.
I think we're in a good place when it comes to the process of authorization. Companies for the most part write good quality applications because they can build on several good past examples and SEAC has more experience in analyzing those applications.

There is of course still room for improvement. It would be nice to see the implementation of the authorization task force's proposals for simplified AfAs.

I'm also looking forward to the panel tomorrow and specifically the discussion on how the public consultation can be used to get more

information on alternatives. For Cr(VI) the consultation worked relatively fine, but for other substances it did not. And I'm not exactly talking about the quality of the submitted information, but rather the lack of engagement from industry.

The next part of authorization that is becoming operational is the review report. SEAC will start working on one pretty soon and I for one am excited to see how that will go. The submitted Review Report is a bit of a special case, so let me perhaps say what I personally expect to see from future review reports. A detailed analysis on R&D progress should be at the core of those documents. Showing SEAC what has been done and how this relates to the initial AoA. While review reports are expected to be shorter, the level of detail of the review report should, again according to me, be equal to that of the initial application.

How will SEAC analyse those reports? Too early to tell, but I think it's clear SEAC members cannot look at those review reports as a stand-alone document. Pretty obvious, but what I mean is that the original opinion, and the arguments used therein, will to a large degree inform how I will scrutinize the review reports. There is a difference in how "tough" one should be on review reports for applications that were

granted a 4-year review period and those with a 12 year review period. I think some serious thinking needs to be done by SEAC to deal in the most intelligent way with these reports. I've only just begone thinking about this myself which is why I'm very vague about this.

I also see difficulties from the applicant's side. If the initial application was a Multi-downstream user AfA, will they do the same for the review report? What if one downstream user is further along with their R&D? How do you reconcile their work with that done by the co-applicant?

The ideal situation would of course be that we do not receive Review Reports at all because that would mean that we are that much closer to the goal of authorization: phasing out SVHCs and creating a more sustainable economy. Authorisation as a legislative tool alone will of course not be enough to achieve this. Support is necessary and will of course be provided as I'm sure you're all aware.

Thanks!
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