



“The Voice of SMEs in Europe”

Press Release

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“REACH”: UEAPME demands fair sharing of data and cost of testing

Brussels, July 11th, 2003. On the last day of the Public Internet Consultation on the future EU chemicals policy “REACH”, UEAPME, the European SME employers’ association, expressed its concern that the items regarding information flow and sharing of the data of the “REACH” regulation could cause many SMEs to go out of business. The SME association therefore calls for a clear framework regulating the sharing of data and costs between producers and users.

According to the proposal, if a new registrant wants to enter a market for an already existing product, the first registrant would only be obliged to provide the new registrant with data relating to tests on vertebrates, and not other protected data, which is nonetheless necessary for registering the substances. This could result in businesses in possession of results of tests, other than on vertebrates, authorising access to them in a "selective way", setting their own conditions for disclosure. It is clear that "free negotiations" are liable to favour dominant positions on the market, turning the concept of “confidentiality” into one of “exclusivity” to the disadvantage of SMEs, which represent the weaker element.

To avoid this situation, the first and potential registrant should enter negotiations for all protected data useful for registration. SMEs would, of course, pay for the data but the sum should be calculated in a fair, reasonable and proportionate way. If no agreement can be reached then it should be submitted to arbitration, the outcome of which should be binding on both parties.

UEAPME further argues that the general content of the proposal is overly ambitious, creating a situation in which SMEs are most unlikely to meet the requirements of the new system. Moreover, the process will be burdensome and redundant.

Additionally, according to UEAPME the consultation of the Commission should have focused on obtaining the views of small businesses which will be the first affected by the new measures. Indeed, reports indicate that approximately 80% of the costs of testing and administration required by the new Regulation will be supported by some 20% of businesses, mostly SMEs.

Considering the size (over 1000 pages of annexes) and complexity of the proposal, an 8-week consultation period is much too short. This is all the more unacceptable that the documents were only available in English. “The Commission refuses to translate the document, but expects a small business of 10 employees, who do not necessarily speak English, to respond to the consultation”, said **Guido Lena** director for Environmental affairs at UEAPME.

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