



# **EDA REACH Plenary Meeting – Session with Industry**

# Agenda

- 09.00 – 13.00 Session with Industry
  - 09:00 – 09.15 Welcome and Introduction
  - 09.15 – 10:15 EDA's work on REACH
    - EDA's Presentation/Update
    - REACH Task Force Presentation/Update
  - 10:15 – 10:45 REACH and Defence : An update from the Commission
  - 10.45 – 11.00 Coffee Break
  - 11:00 – 11:45 Industry activities on REACH
    - ASD REACH WG Presentation/Update
    - GICAT Presentation/Update
  - 11:45 – 12:45 Discussion - Q&A - Exchange of views
  - 12:45 – 13:00 Wrap-up and Way Ahead
- 13:00 – 13:45 Lunch (*Industry is Invited*)
- 13.45 – 17.30 Member States only Session



# Welcome and introduction

# Practical Issues



- > Access Point name : NPAP
- > Access Point key : **qjrjpa8NyT**
- > Valid until: **25/11/2015, 20:00**

- **Toilets** : across the corridor
- **Smoking** : allowed in specific external area in ground floor
- **List of participants** : At the meeting room entrance
- **Participants' Contact Details** : Form circulating - please fill/sign



# European Defence Agency



# Facts & Figures

Only Agency whose Steering Board meets at ministerial level



Established  
**2004**

Based in  
**BRUSSELS**

**120 staff**  
connected with  
2,500 experts in  
Member States



**Jorge  
DOMECQ**

EDA Chief  
Executive



## 27 Member States

(all EU members except Denmark)  
& Administrative Arrangements  
with Norway, Serbia and  
Switzerland

Operational budget 2015

**30,5 Mio**

Value project portfolio  
(2014, Cat-A and Cat-B):

**78,4 Mio**

# Mission

... to support the Council and the Member States in their effort to improve the European Union's defence capabilities for the Common Security and Defence Policy.\*

\*Treaty of Lisbon, signed in 2007, entered into force in 2009

# A catalyst: from Member States to Member States





# EDA priority workstrands

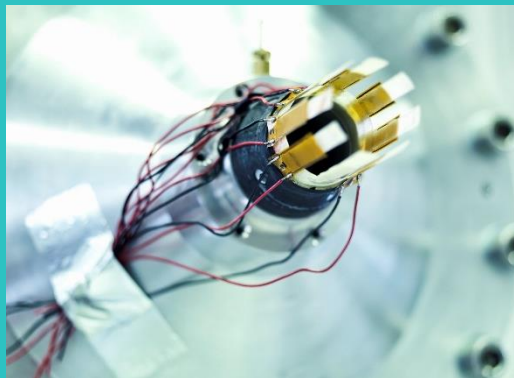
## SUPPORT

the development of **key capabilities** structuring European defence



## STIMULATE

defence **R&T** to prepare the capabilities of tomorrow and support the EDTIB



## ENSURE

that military interests are taken into account in **wider EU policies**



# Key measures in support of EDTIB

Assessing the defence and industrial landscape	Supporting cross-border cooperation	Developing tools regarding EU regulation	Access to EU Funding
<ul style="list-style-type: none"><li>• Identifying measures to strengthen the EDTIB</li><li>• Analysing defence and industry trends, forecasting</li></ul>	<ul style="list-style-type: none"><li>• Supply Chain Action Plan</li><li>• SME Action Plan</li><li>• Defence Procurement Gateway</li></ul>	<ul style="list-style-type: none"><li>• Defence Procurement Directive</li><li>• REACH regulation</li></ul>	<ul style="list-style-type: none"><li>• European Structural &amp; Investment Funds</li><li>• COSME</li><li>• Fiscal &amp; financial incentives</li></ul>

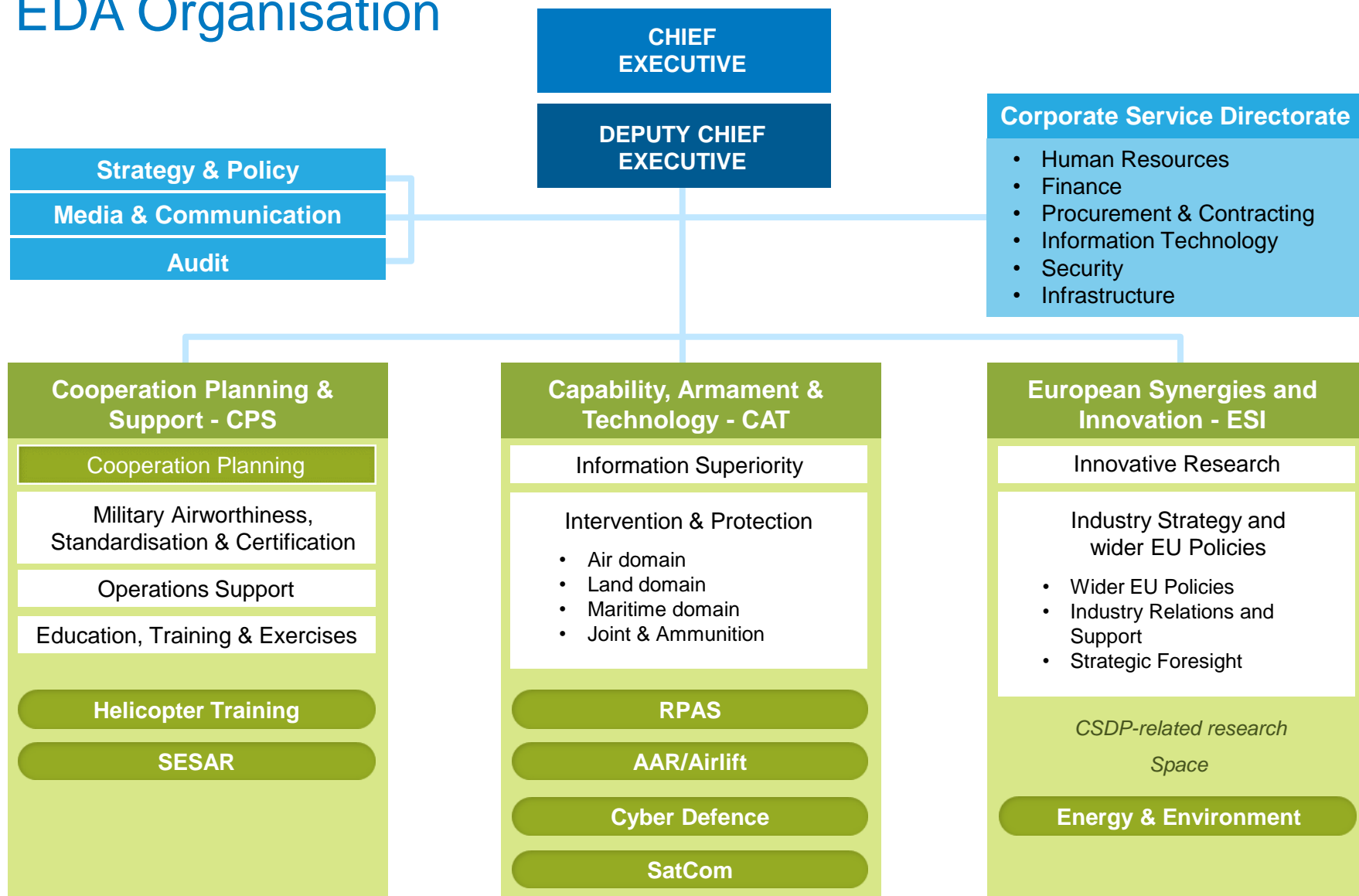
**Dialogue with defence and industrial stakeholders**  
(ASD, NDIAs, Regional clusters, Large and SMEs, Think Tanks)

# EDA as Interface to wider EU Policies

- Supporting Member States in complying with EU regulation/Ensuring EU policy stakeholders are aware of certain problems
- Ensuring defence specificities are taken into account in wider EU policies. Main objective : prevent/minimise potential negative impact
- Exploring how EU initiatives can benefit defence, e.g. facilitating access to EU funding instruments

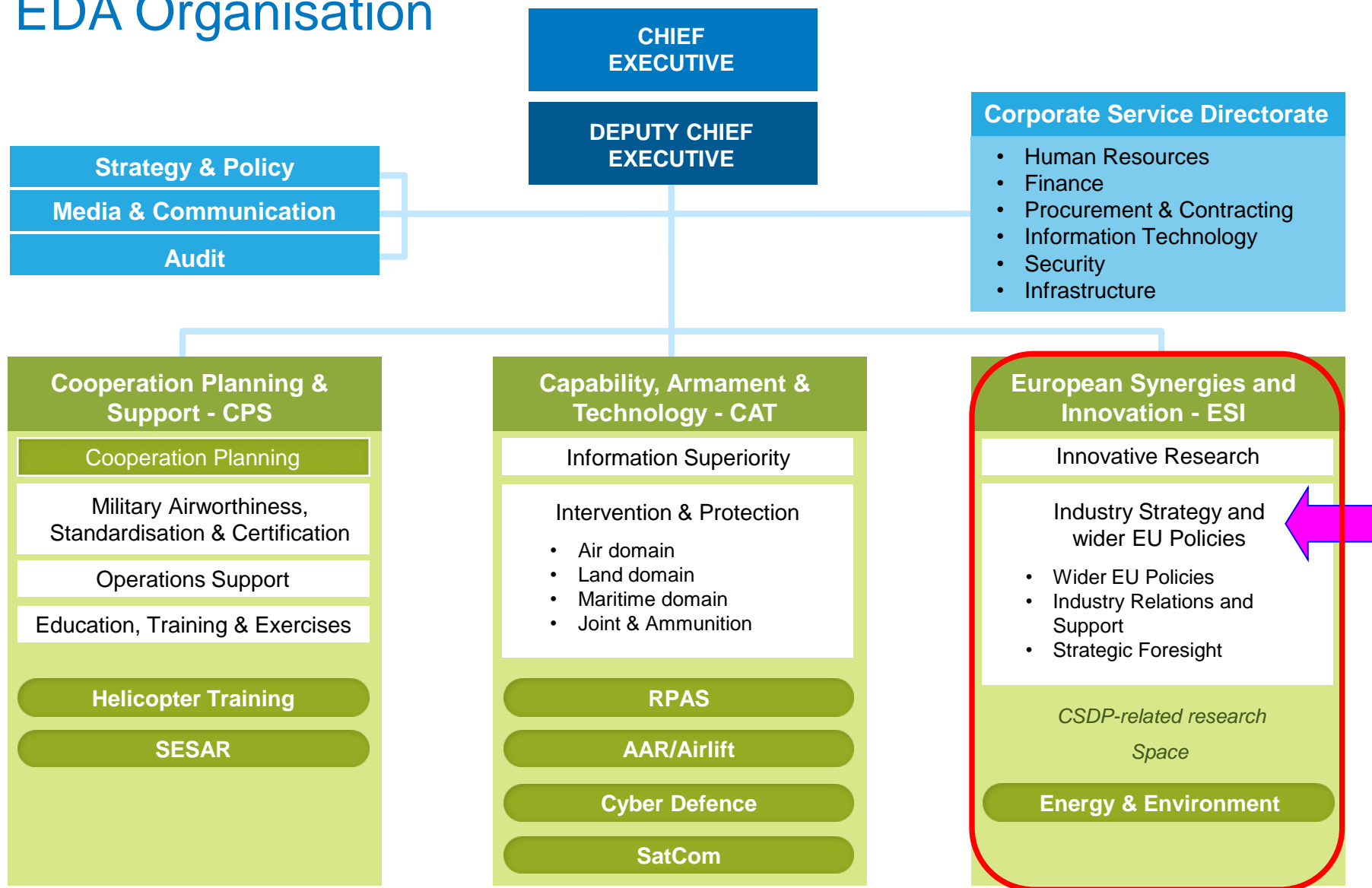


# EDA Organisation





# EDA Organisation





# EDA's work on REACH

# Background

- **EDA activities on REACH, since 2009**  
(<http://www.eda.europa.eu/what-we-do/activities/activities-search/reach>)
  - **Forum for structured dialogue on defence-related REACH issues**
  - **Initial focus area** : National defence exemptions - Potential impact on European Defence Equipment Market (EDEM)
  - **Supporting Member States efforts to harmonise national exemption procedures**



# Background

- **EDA Steering Board on REACH National Defence Exemptions (March 2010)**
  - Set common standards for granting defence exemptions by Member States
  - Accept and safeguard traceability standards and provide transparency about national policies and procedures
  - Support acknowledgment by pMS of other pMS defence exemptions
  - EDA to establish a publicly accessible web-portal to post the main characteristics of their national proceedings



# Previous Developments

- Continuous interaction/cooperation with European Commission (DG GROW/D1 REACH) and European Chemicals Agency (ECHA)
- Network of Member States REACH Defence experts/PoCs
- EDA REACH Task Force
  - Subset of Member States experts network
  - Working on specialised tasks/topics at technical level, to prepare proposals for review at EDA and Member States level
  - **Completed** : CoC Technical framework - harmonisation of defence exemptions
  - **Ongoing** : Ammunition Classification under REACH

# Interaction with Industry on REACH

- **Industry important stakeholder** – EDA seeking input
  - Experiences/lessons learned when dealing with REACH
  - REACH specificities of different defence industrial sectors
  - Topics of interest that EDA/MS can further work on, to support industry
- **Close interaction/regular contacts with ASD REACH Implementation Working Group (RIWG)**
- **EDA REACH meeting 3 and 4 November 2014 : First session with industry participation**
  - Raising industry awareness of EDA REACH work
  - Commencing discussion with industry on specific topics

# Interaction with Industry on REACH

- EDA REACH meeting 3 and 4 November 2014

## Industry Session - Operational Conclusions/Way ahead

- EDA to activate/maintain EDA REACH MS and Industry Extranet Forum – regularly post topics of common gov/industrial interests
  - **New Forum established** (November 2014)/now migrated to new IT Tool **EDA Collaborative Platform/REACH**
  - **Open for registration** /Information to be sent after meeting
- EDA to prepare a questionnaire, in coordination with Member States REACH experts, to be sent to industry to facilitate industry input on defence related REACH topics
  - **Questionnaire developed/distributed to industry**

# Interaction with Industry on REACH

- EDA REACH Questionnaire
  - **Structure** : 4 Parts + 1 Annex
    - Introduction
    - Industry Information
    - General Questions
    - Additional Questions especially for Ammunition Industry
    - Annex : Ammunition Classification Table
  - **Timelines**
    - Distributed to industry : **16 December 2014**
    - Response Deadline : **27 February 2015**
    - Latest response received : **July 2015**



# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)

- Topics

- REACH challenges for defence industry, factors that complicate implementation of REACH in defence
    - Substances, mixtures, articles, material or equipment used in defence affected by REACH
    - Impact of REACH regulation in short/long-term use of defence equipment/measures to alleviate such impact
    - How EDA can further support industry on REACH

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - **Total industry responses received : 48** (*list provided in paper*)
    - standalone industries but also consolidated views via industry associations/ASD
    - industries in different defence industrial sectors
    - smaller and larger industries
    - industries located in smaller and larger Member States
    - industries based in EU but also in non-EU countries
  - **Wide/diverse and thus reliable baseline for extraction of lessons learned and experiences**

# Interaction with Industry on REACH

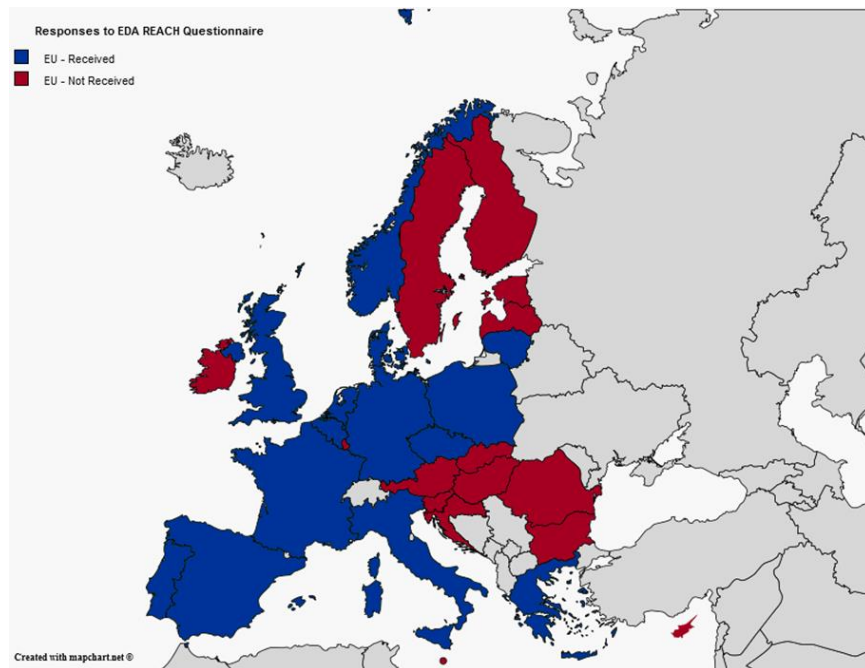
- EDA REACH Questionnaire (cont)

- EU Industry Associations

- ASD (2 responses)
- French Aerospace Industries Association (FR GIFAS)

- EU Individual Industries : 43

- NON-EU/US Industries : 2



# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - Main Feedback
    - Industries at end of long/complex (frequently international) supply chains, impacted if lower tier suppliers choose not to apply for Authorisation
    - REACH may cause industries to consider either importing substance or exporting work so that articles are imported –impacting multinational projects
    - REACH increasing costs for Defence Industry
    - Identifying alternatives to hazardous substances within global supply chains with numerous tiers : difficult/costly



# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - **Main Feedback (cont)**
    - The inclusion of a substance onto the SVHC list can lead to problems : suitable alternatives available at the time of inclusion in the list, are unlikely
    - Evolution of list of substances (Candidate List) needs to be continuously tracked – not an easy task
    - Authorisation is complex and expensive - not always industry requiring the authorisation, can apply
    - Defence exemptions are not an easy option and their use is extremely limited

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - **Main Feedback (Supply Chain Issues)**
    - Market for defence products is small, not creating enough leverage
    - Potential for manufacturers to cease making a substance rather than go through Registration – risk for unexpected obsolescence
    - Original supplier based outside of the EU wanting to protect international market position, can decide to withdraw product from EU market

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - **Main Feedback (Substances)**
    - Numerous substances/groups of substances impacted by REACH (EDA compiling an overall list). Examples :
      - **Chromates**
        - included as Substances of Very High Concern (SVHC) in the REACH “Authorisation List”
        - Used in anti-corrosion control
        - Critical for through-life reliability and safety of military aircraft

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - Main Feedback (Substances)
    - Boric Acid/borates
      - In REACH “Candidate List” - Recommended by ECHA for inclusion in the “Authorization List”
      - Essential for preventing nuclear accidents: no foreseeable substitutes.
    - Hydrazine
      - In REACH “Candidate List” - Potential for Authorisation List in near future
      - Strategic importance for Space/defence : launcher/satellite propulsion technology. Combat aircraft (F-16)

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - **Proposals on how EDA can further support industry on REACH**
    - Continue constructive dialogue with industry
    - Consider a dialogue with industry on REACH impact
    - Continue to encourage adoption of the Code of Conduct by Member States
    - Consider a REACH help desk for Member States and Defence Industry, in particular SMEs, to consult on REACH
    - Consider dual use products be also covered by defence exemptions

# Interaction with Industry on REACH

- EDA REACH Questionnaire (cont)
  - Way Ahead
    - EDA in the process of developing a document reflecting overall outcome of/information gathered from the EDA REACH Questionnaire
    - Document to be circulated to Member States and industry upon completion

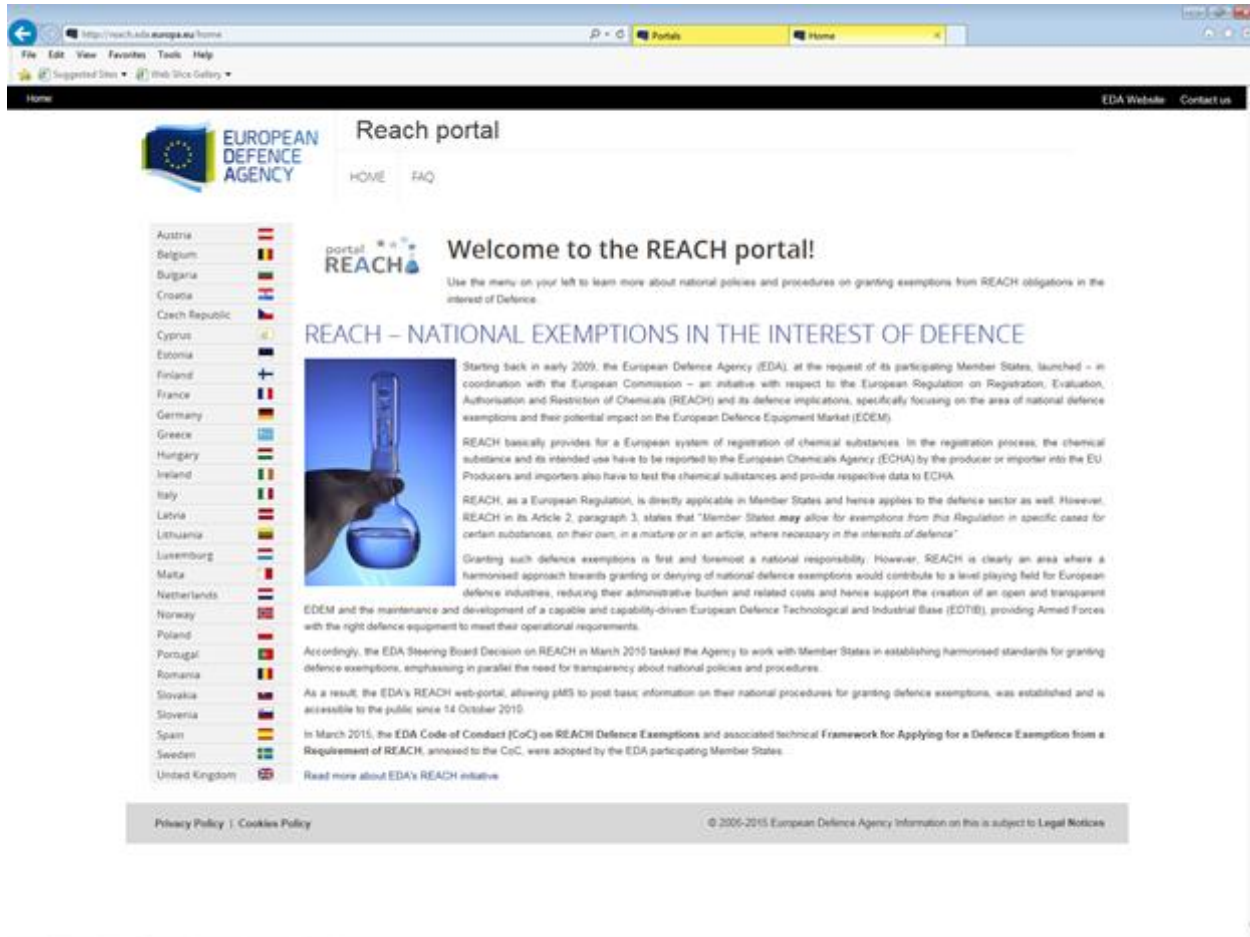


# Interaction with Industry on REACH

- **EDA support to industry - restriction of use of DecaBDE**
  - Input from industry (ASD) on a potential misconception by ECHA of REACH defence exemptions
  - **EDA intervention** : clarifying to ECHA main principles behind granting of national defence exemptions, based on CoC – not appropriate tool for military uses of DecaBDE
  - European and US defence industry supported EDA's intervention
  - ECHA decided to propose derogations for DecaBDE restriction, not only for commercial uses (ECHA's initial position), but also for military uses
- Issue currently at the Commission for final decision

# EDA REACH PORTAL

- <http://reach.eda.europa.eu/>



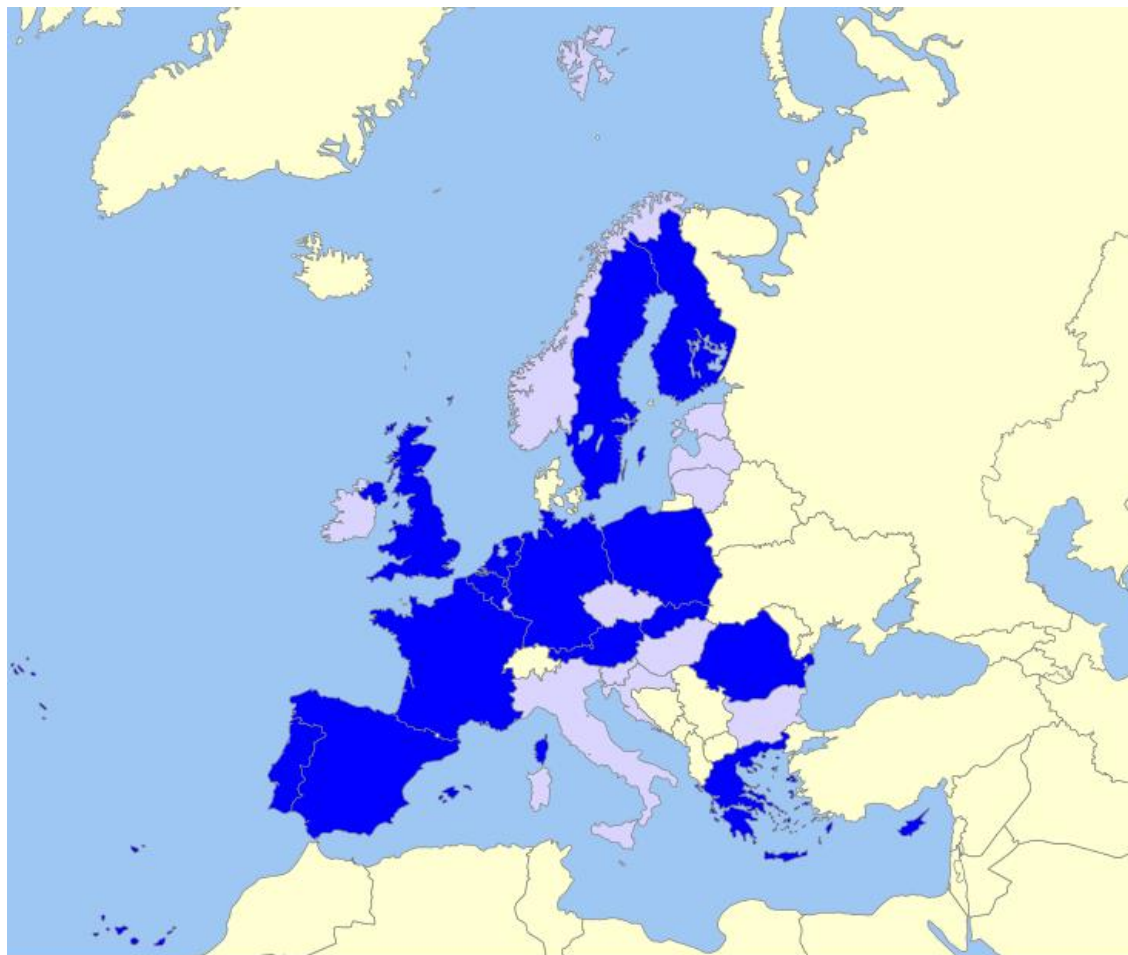
# EDA REACH PORTAL

- Operational since **14 October 2010**
- Voluntary tool - enhancing transparency on Member States national defence exemption procedures
- Information on
  - > *Legal Basis*
  - > *National Safeguard Measures*
  - > *Where to File an Application*
  - > *Conditions/Procedures for Acknowledgment/Recognition of Foreign Defence Exemptions*
  - > *Number of Exemptions Granted*
  - > *Link to national web site(s)*
  - > *Description of National Procedure*
  - > *National Bodies Involved*
  - > *National Contact Info*
- 15 Member States have posted information to date (fiches updated recently - **September 2015**)

# EDA REACH PORTAL

■ To date, 15  
Member States  
have posted  
information

*(fiches updated  
September –  
November 2015)*



# REACH Defence Exemptions

- REACH Regulation Article 2, paragraph 3

*“Member States may allow for exemptions*

*in specific cases for certain substances, on their own, in a mixture or in an article, where necessary in the interests of defence”*

- Sovereign national responsibility
- A defence exemption granted by one Member State does not of itself have automatic validity elsewhere in the EU



# REACH Defence Exemptions

- Defence exemptions are not a panacea and can only work in certain cases
  - They provide a temporary national – not European solution
  - They do not ensure substances will remain in the market
- They should be considered as **last resort solution**, only after alternatives have been examined :
  - Complying with REACH Regulation
  - Substitution of hazardous substances
- Industry has expressed support to these principles



# REACH Defence Exemptions

- **Before** : Divergent national procedures
  - negative impact on industry
    - Administrative burden
    - Added costs
  - Uneven field across production/procurement
  - Impact on circulation of substances across EU



- **Now** : gradual national procedure harmonisation based on

**EDA Code of Conduct on REACH Defence Exemptions**



# EDA REACH Code of Conduct

- **Adopted by Member States** (March 2015)
- **Voluntary instrument** : set of high-level principles/technical requirements (framework) to support SMS harmonisation of defence exemption procedures
- Member States Participation : **All pMS** (except PL) + **Norway**
  - PL internal examination in progress
- EDA supporting CoC implementation by Member States
- **Code of Conduct + Framework texts** : available at EDA website

# EDA REACH Code of Conduct

- **Member States agreed to**
  - Support the objectives of REACH, whilst recognising that granting of defence exemptions might be needed
  - When granting exemptions, provide highest safety and traceability standards possible, mirroring those imposed by REACH itself
  - Aim for harmonisation of national defence exemptions procedures, eventually including mutual recognition of national defence exemption decisions

# EDA REACH Code of Conduct

- Framework for Applying for a defence Exemption from a Requirement of REACH
  - Technical level document, attached to the Code of Conduct
  - Standardise national REACH Defence Exemption procedures
  - Agreed set of minimum technical standards/requirements
    - guarantee a safety standard equivalent with the REACH requirements
  - Member States can include any additional requirements as required to meet national procedures/requirements





# Harmonisation of Exemption Procedures - Status

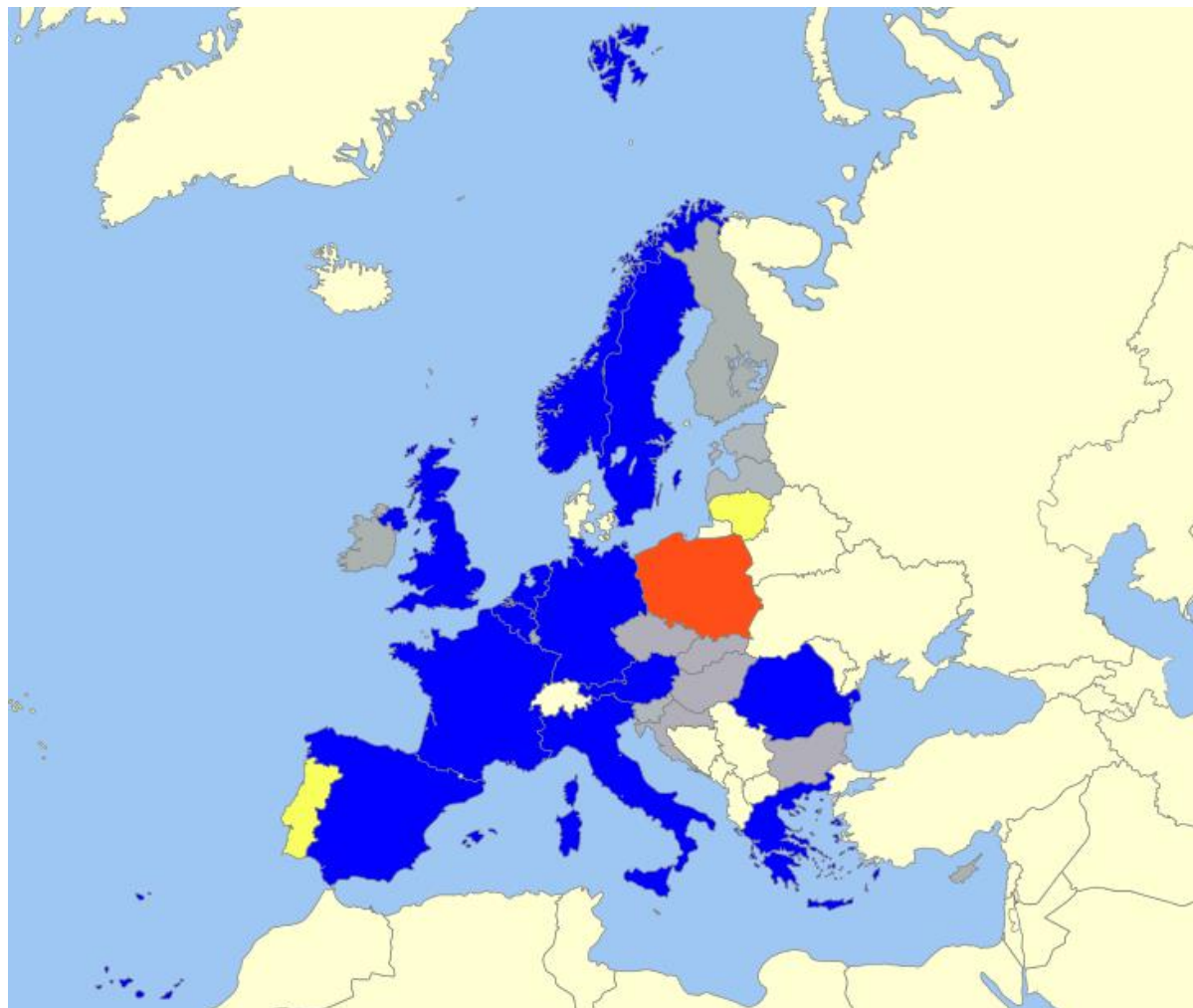
- **CoC major step - Harmonisation up to Member States**
  - implementing voluntary CoC
  - aligning national procedures with CoC principles/technical requirements
- **EDA mapping exercise in progress**
  - CoC national implementation status
  - Defence exemptions granted
- **Gradual steady improvement – more time is required**

# Harmonisation of Exemption Procedures - Status

- Status in Member States : **in different phases**
  - **PL not subscribed** – assessing potential subscription
  - In some MS, pre-existing procedures **aligned with CoC**
  - **Other MS**
    - assessing next steps for alignment
    - Starting to implement the CoC/measures towards aligning
    - Finalising implementation/alignment

# Harmonisation of Exemption Procedures – Status

-  Already aligned or in process to be aligned soon
-  No procedure yet. In process to develop procedure aligned to CoC
-  Status Unknown
-  Not subscribed to CoC yet



# Defence Exemptions Granted

- AT, BE, ES, FR, IT, LT, NL, NO, PT, RO, SE : 0
- CY : 1
- FI : 3 (REACH and CLP)
- DE : 1
- EL : 63
- PL : 6
- UK : 10
- CZ, EE, HR, HU, IE, LV, LU, MT, SI, SK : Information Pending

Total  
Known  
**84**

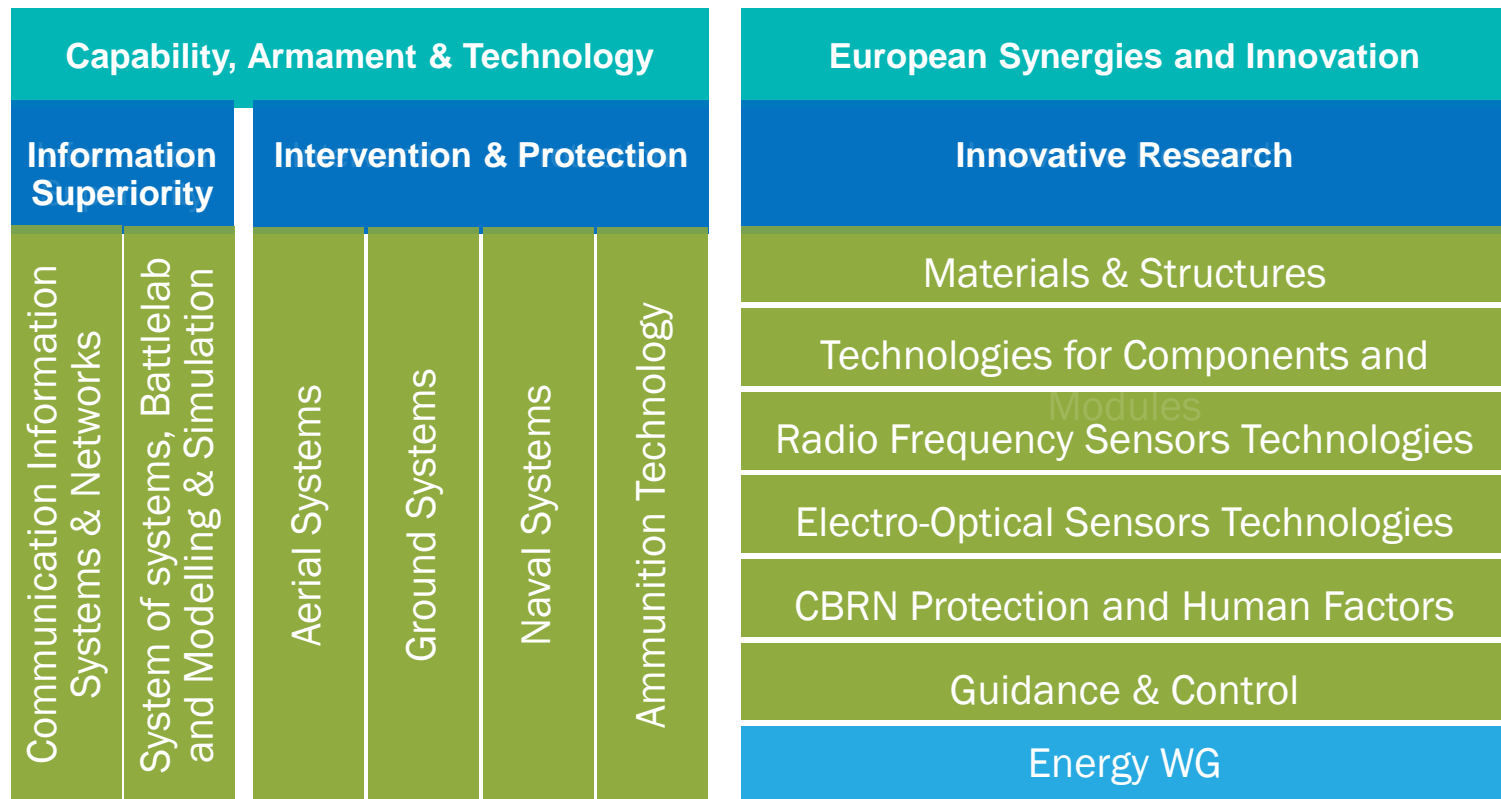


# EDA REACH Code of Conduct

- EDA is interested in industry feedback
  - *Views on CoC usefulness as a tool to achieve EU-wide harmonisation of defence exemption procedures?*
  - *Specific views on the CoC agreed principles?*
  - *Specific views on the Technical Framework requirements?*
  - *Experiences from any past interaction with national authorities with respect to application of CoC related requirements in practice (submission of requests for granting of defence exemptions)?*

# Other Ongoing Initiatives

- **Liaising with sectorial stakeholders**, such as EDA CapTechs
  - Raising REACH awareness (governmental/industrial) communities
  - Seeking/assessing REACH related input on specificities of each sector



# Proposals for Future EDA work

- **Member States proposals**
  - **REACH Impact Identification**
    - Creating significant challenges : many hazardous substances regulated by REACH used in defence
    - Defence Ministries and defence industry not affording all changes necessary to be REACH-compliant
    - Specific mitigation actions needed to alleviate impact
  - **Raising Awareness** of stakeholders on REACH impact, in all supply chain spectrum
- **Industry proposals** e,g. through REACH Questionnaire
- **Commission proposals**

# Future EDA work – Way Ahead

- NAD Steering Board 30 September 2015, tasking

*“EDA to develop, with Member States, and in close cooperation with the Commission, European Chemicals Agency and industry, a prioritised EDA REACH roadmap to facilitate common coordinated action”*

- EDA REACH Roadmap - first discussion with pMS tomorrow
  - Review/prioritisation among pool of topics of interest/proposed
  - Assessing Member States support
  - Ensuring adequate EDA resources

# Potential EDA REACH Study

- EDA to potentially launch a study in 2016

## **“IMPACT OF EUROPEAN CHEMICAL REGULATIONS AND DEVELOPMENT OF SUSTAINABLE CHEMISTRY IN THE DEFENCE SECTOR”**

- Referring to mainly REACH, but other EU Regulations e.g.
  - Classification, Labelling and Packaging (CLP)
  - Biocidal products (BPR)
  - Persistent Organic Pollutants (POP)

# Potential EDA REACH Study

- **Main Objectives**

- 1. REACH/Chemicals regulations impact analysis on the Defence sector**

- impact of REACH and other regulations processes
- challenges on specific substances and materials
- sectorial challenges

- 2. Developing sustainable chemistry in the defence sector**

- challenges and opportunities/recommendations towards sustainable chemistry for defence specific technologies

# Potential EDA REACH Study

- **Main Objectives** (Cont)

- 3. Proposals for REACH Regulation improvement, in view of next REACH Regulation review and potential revision :**  
Developing proposals on REACH processes improvement, supporting defence stakeholders towards achieving both main targets :
  - protection of health and environment, and
  - enhancement of industrial competitiveness and innovation



# Potential EDA REACH Study

- **Estimated Timelines**
    - Contract implementation : Early – end 2016
  - **Development of Technical Specifications**
    - in progress
    - with support of Member States
  - Contractor will be requested to consult with all stakeholders, including MoDs, Commission, Defence Industry
- \* Industry's active support/participation will be important \***

# Ammunition Classification - Background

- Late 2013 – DE question to ECHA → European Commission, if (standard small caliber) ammunition is
  - “article with integral substance” or
  - “combination of an article and a substance”
- Beginning 2015 : **ClON decision** → “Articles with integral substance”



# Ammunition Classification under REACH

- 11 July 2014 – EDA REACH Task Force work is initiated
  - Wider scope : covering all ammunition categories/types



# Ammunition Classification under REACH

- **Aim of EDA Work** : establishing a MS common position
- European Commission/DG GROW greatly supporting work
- **REACH and Ammunition very technical issues** : combination very complicated/requiring REACH and Ammunition expertise
  - Interaction between REACH and ammunition experts (national level, EDA CapTech Ammunition Technologies)
- **Targeted timeline** : early 2016 (completion at experts level)

# Ammunition Classification/Industry

- **Basis** : Ammunition Table/Classification developed by FR GICAT (GICAT Guide)
- Industry's views/prior work (guides/papers/position letters) and input to EDA REACH Questionnaire : important – taken into account
- EDA REACH Questionnaire sent to industry - part on Ammunition Classification
  - **13 responses (out of total 48)** with information related to ammunition, incl.
  - ASD consolidated input to REACH Questionnaire/Ammunition Table



# **EDA REACH Task Force Update on Ammunition Classification**

# STATUS OF AMMUNITION UNDER REACH

Presentation to industry of EDA REACH taskforce work  
During EDA REACH plenary

November 25<sup>th</sup>, 2015

# PROCESS FOLLOWED

- **Analysis of industry input**
  - ASD, GICAT, DE, BAE...
- **Exchange with ECHA for clarifications**
  - Meeting + emails about guidance steps 4 and 5 inside guide on articles -> especially step 4b
- **Elaboration of an analysis tool**
  - Objective + behaviour of munitions / release or not
  - More general overview for consistency check/ hopefully would cover forgotten / new types of munitions
- **Elaboration of EDA guidance document**
  - List of categories based on GICAT table



# STEP 4 & 5 / MUNITIONS

- **Question 4a:** If the substance/mixture were to be removed or separated from the object and used independently from it, would the substance/mixture still be capable in principle (though perhaps without convenience or sophistication) of carrying out the function defined under step 1?

no

- **Question 4b:** Does the object **act mainly** (i.e. according to the function defined under step 1) as a container or carrier for release or controlled delivery of the substance/mixture or its reaction products?

It depends!  
!

- **Question 4c:** Is the substance/mixture consumed (i.e. used up e.g. due to a chemical or physical modification) or eliminated (i.e. released from the object) during the use phase of the object, thereby rendering the object useless and leading to the end of its service life?

yes

- **Question 5a:** If the substance/mixture were to be removed or separated from the object, would the object be unable to fulfil its intended purpose?

no

- **Question 5b:** Is the **main purpose** of the object other than to deliver the substance/mixture or its reaction products?

yes

- **Question 5c:** Is the object normally discarded with the substance/mixture at the end of its service life, i.e. at disposal?

yes

Yes =>  
combination

No =>  
article

Because  
predominantly  
yes



# ANALYSIS TOOL

## ■ Energetic materials

- Bulk -> **mixture or substance** (stop at step 2)
- Shaped -> **article** (step 1-3 and then step 6)

## ■ Criteria for step 4 & 5 analysis

- Physical phenomenon: mechanical effect (push...), piercing, detonation, wave or pressure shock, light (only)
- **Substance release: smoke, burning substances, inert substances...**

## ■ Components & support subsystems (steps 1 to 5)

- Transform external stimulus -> **mainly physical phenomenon** -> **article**

# ANALYSIS TOOL (CONTINUED)

## ■ Munitions & subsystems contributing to effect (steps 1 to 5)

- Target destruction by explosive delivery -> **mainly phys. phen.** -> **article**
- Target destruction / hitting by object(s) delivery -> **push articles** -> **article**
  - Includes small caliber ammunition for which status already decided by COM
- Signaling a position or target
  - Emitting flame / hot spot -> **mainly physical phenomenon** -> **article**
  - **Releasing substances (smoke, marker...) -> Combination of article and substances**
- Decoy a target
  - Emissive spots -> **mainly physical phenomenon** -> **article**
  - Inert objects delivery -> **push articles** -> **article**
  - Smoke screen camouflage -> **substances release -> Combi. of article and substances**
- Disturbing a population by physiological effect
  - Exploding effect -> **mainly physical phenomenon** -> **article**
  - Releasing tear gas etc. -> **substances release -> Combi. of article and substances**

Disagree with GICAT

Disagree with GICAT

# CONCLUSION

## ■ GICAT table categories for which we propose status to be converted to combination of article and substances:

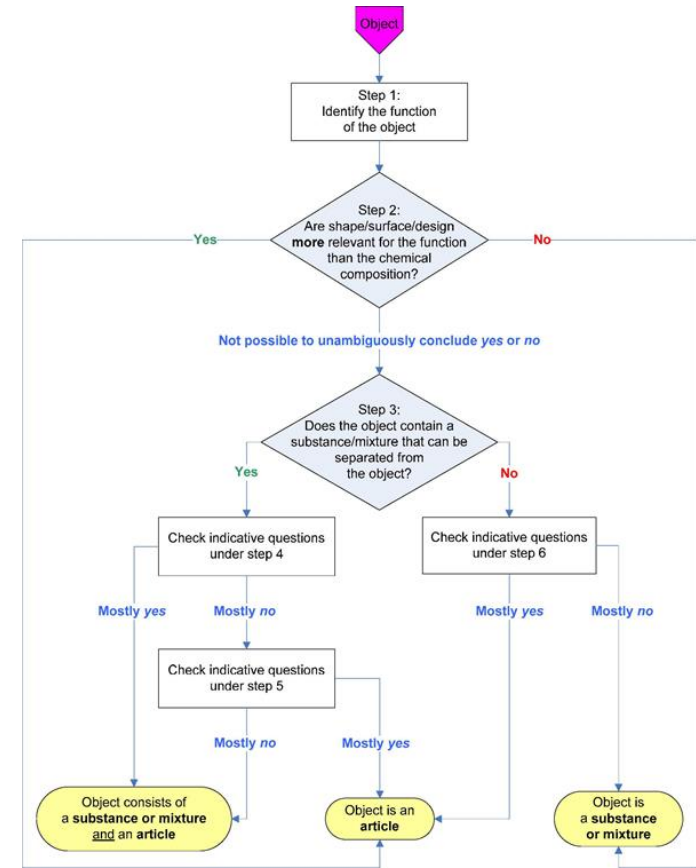
- marine markers
- smoke screens, coloured smoke, smoke grenades...
- incendiary munitions
- practice grenades (practice ammunition under work)

## ■ Due to ECHA guidance:

- Munitions, subsystems and components which provide a **physical effect or release articles**, without substance release (or small unintended amount) are **articles**
- munitions which mostly **release substances**, even though the final intent is signal, decoy or physiological effect at a given place, for a given duration..., are **combinations of article and substances**

# Ammunition Classification under REACH

- ECHA Guidance
  - ..on Requirements for Substances in Articles - Version 2 - April 2011
  - ..Requirements for Substances in Articles - in a Nutshell - June 2011
- Exchange with ECHA for clarifications
  - Meeting + emails about guidance steps 4 and 5 inside guide on articles -> especially step 4b



# Ammunition Classification under REACH

- **ECHA Guidance**
  - Document prepared by EDA with information on all exchanges between EDA and ECHA, to be distributed after meeting
    - Common understanding on basis for classification
    - In view of further exchange on differences in certain categories
- **Industry written input/views welcome** - to be taken into account in further ammunition classification related REACH work
  - taking into account the ECHA clarifications
  - on categories where differences in classification exist

# Conclusion – Main EDA Tasks

- Facilitating structured dialogue on defence-related REACH issues (*ongoing*)
- Acting as interface on REACH between Member States and EU stakeholders (*ongoing*)
- Monitoring/Supporting REACH CoC Implementation (*ongoing*)
- Concluding work on Ammunition Classification (*ongoing*)
- Maintaining/enhancing interaction with industry (*ongoing*)
- Developing a prioritised EDA REACH Roadmap (*initiating*)
- Conducting EDA REACH Study (*initiating*)

# Other Topics of Interest

- Next REACH Regulation review
- CARACAL debates/issues potentially affecting defence?
- Annex XIV Evolution : what to expect?
- Hydrazine
  - Prioritisation?
  - ASD-Eurospace 2012 paper on Hydrazine : Status?
- Simplified procedures for Legacy Spare Parts
- Simplified procedures for Low Volume
- CJEU Ruling C-106/14
- Deca-BDE





# **REACH and Defence : An update from the Commission**



# **REACH and Defence**

## **An update from the COM**

EDA REACH Experts plenary meeting  
Brussels, 25 – 26 November 2015

**Miquel A. Aguado-Monsonet**  
**REACH Unit**

**DG Growth**

# Content of the presentation

- 1. Introduction*
- 2. REACH fully deployed*
- 3. SVHC, Annex XIV, Authorisation*
- 4. Restrictions*
- 5. Next REACH review (2017)*

# Conclusions

- *Please take note of the information provided*
- *COM will continue to use EDA network to get experience and knowledge on questions related to Defence (e.g. use of substances)*
- *ECHA as the 'hub' of information on chemicals*
- *Different channels to contribute to discussions*



# Coffee Break



# **ASD REACH activities**

# ASD REACH EDA Briefing

Steve George,  
Chair REACH Working Group

25 November 2015



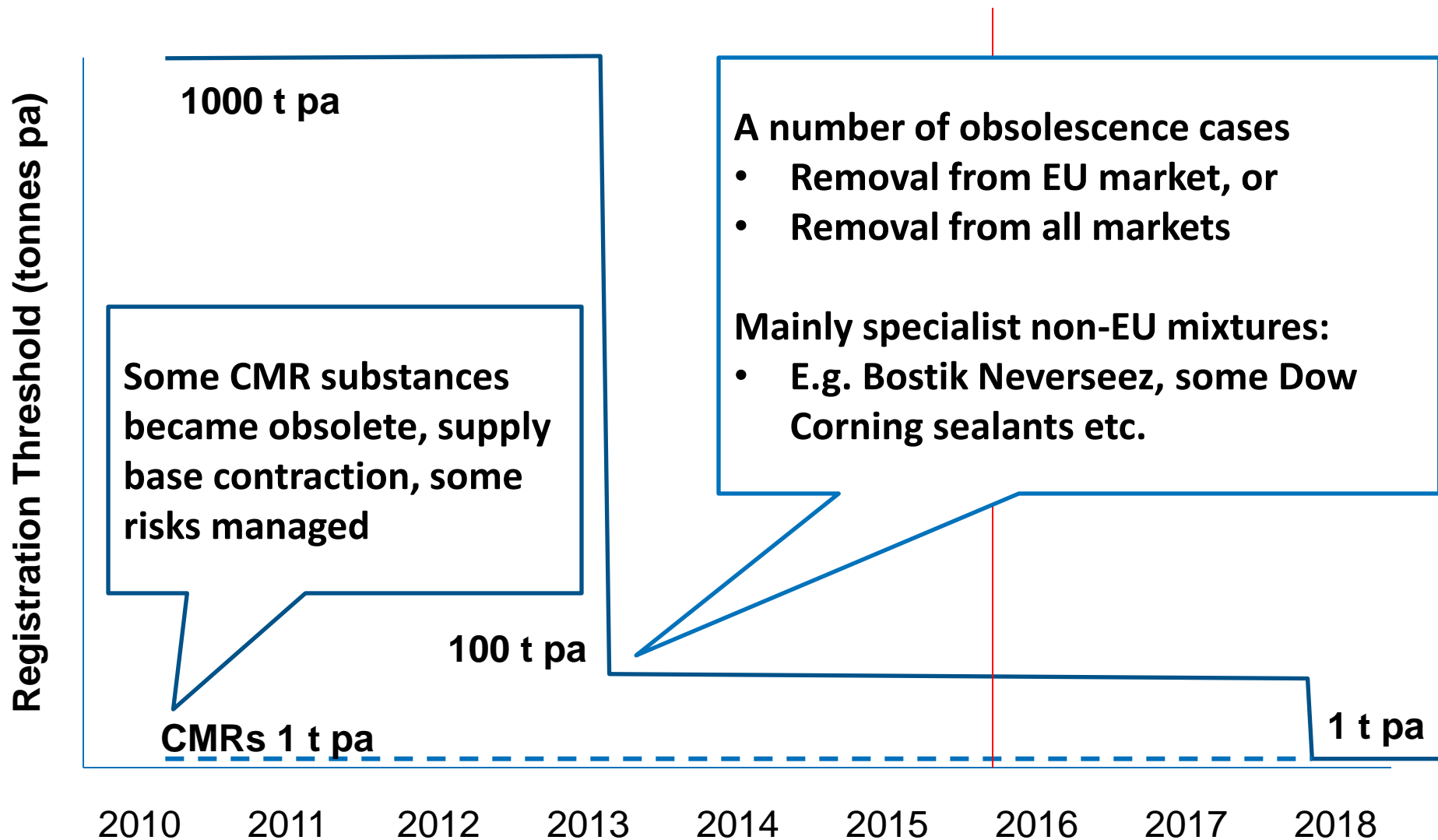


# Overview

- Industry continues to work issues associated with REACH
- Implementation issues and supply chain continue to drive the agenda
- Generic Updates
  - Registration Risk
  - Managing Authorisation
  - Communication requirements (and O5A)
- Defence Specific Updates
  - Ammunition Classification
  - Defence Exemption implementation
  - Contract Requirements



# Registration Timescales



# The Registration Continuity Risk

**Poor  
Communication**

**Low volume/  
value**

**Unclear  
Business Case**

**Risk Greatest for non-  
EU formulations?**

[NB supply chain specific, not visible  
through ECHA substance stats]

**ASD Work plan in  
development**

**Product  
withdrawal**

**Decisions made by Finance  
Directors**

# Authorisation - Status

- This is a difficult time for Chromates
- Industry needs Upstream applications by chemical companies
  - Applicants do not have information about all users
  - Exposure/risk control based on a sample and modelling
  - Uncertainty is difficult for the Risk Assessment Committee
- Chromium Trioxide key test case
  - In process of ECHA recommendation, trialogue took place 5-6 Nov
  - Length of review period is the major concern
  - Other Chromates following on
  - Many dossiers to be submitted by March 2016
- Stakes are high – in absence of alternatives a significant threat to production, operation and maintenance in many sectors



# Authorisation Simplification

- Ongoing work - EC/ECHA/MS taskforce
  - Low volume uses
  - Legacy spare parts
  - ... potentially other areas in the future
- EDA engagement on this would be welcomed to:
  - Depoliticise product safety where no alternatives available
  - Seek simplified approaches where strong security or military need, but exemption route inappropriate due to structure of supply chain

# O5A and the ECJ Ruling

“2. Article 33 of [REACH], must be interpreted as meaning that, for the purposes of application of that provision, **it is for the supplier of a product one or more constituent articles of which contain(s) [an SVHC] in a concentration above 0.1% weight by weight of that article, to inform the recipient and, on request, the consumer, **of the presence of that substance by providing them, as a minimum, with the name of the substance in question**”.**

# 2 Extreme Options

## – Interpretations of Law and Ruling

### Sub-component ID is needed?

- Article 33 information:

DEHP in  
microchip  
package  
www, in chip  
xxx, on PCB  
yyy, in cabinet  
zzz

### Sub-component ID not needed?

- Article 33 Information:
- The following SVHCs are in this aeroplane at reportable levels:

- SVHC #1
- SVHC #2
- SVHC #21
- SVHC #23

Neither is useful for “safe use” or to satisfy “Duty of Care”

# Need to find way forward

- Need to get to a practical and useful interpretation...e.g.
  - Identify all SVHCs at assembly level,
  - Identify specific line replaceable items where there is identifiable risk in use, maintenance or disposal
- Share across industry / industries to seek common understanding
- Join Partner-Expert Group for ECHA Guidance material update
  - Accredited Stakeholder Organisations like ASD can join
- Then update guidance material and industry standards

# Defence Specific Concerns

- **Ammunition Classification**
  - Continue work based on GICAT guidance document
- **Defence Exemption framework**
  - Continued Adoption of code of practice
  - Continue to push for cross-MS applicability and recognition
  - Chemical and armament industries not in the same place!
- **Contract Requirements Framework**
  - Benefit in common, practical and effective contract requirements across participating states
  - How can we work together?
- **CLP and Explosives**
  - Difference of viewpoint regarding labelling requirements?





# Thank you



AeroSpace and Defence Industries  
Association of Europe

**ASD**

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# FR GICAT REACH activities



# GICAT

## The French Land Defence and Security Industry Association



# Content

- **Presentation of GICAT**
- **GICAT REACH working group activities**
- **Concerns and difficulties of GICAT's members**

# What is GICAT ?

- Established in 1979, **GICAT** is an association comprising over **more than 330 French companies** working in Land and Air-land Defence and Security sectors :
  - Worldwide companies : Airbus Defence and Space, Airbus Group, Airbus Helicopters, INEO, MBDA, Morpho, NEXTER Systems & munitions, RTD, Sagem DS, Thales, Etienne LACROIX...
  - 80 % of Medium size companies and SMEs
  - Associations & Clusters : Ares Franche-Comté, EDEN, GIE Défense NBC, GILEP, NAE.
- **60 %** of its members have an activity in both areas (Defence & Security)
- Manage, with the support of his subsidiary company COGES, the exhibition **Eurosatory**, the first Land Defence and Security exhibition in the world (more than 1 430 exhibitors)

# GICAT members' activities

- Access Control, ANPR, Biometrics, CCTV, ID Control
- Air-land (Air defence systems, Helicopters, Missiles, UAV)
- Armour-plating, Composites, Mechanics, Hydraulics, Plastics
- Battlefield Management (C4ISR)
- CBRN (detection and protection)
- Computer technology
- Electricity, electronics, energy
- Engineering works – Crossing
- Ground mobility (Main battle tanks, Armoured vehicles)
- Life support utilities
- Optics and Optronics
- Robotics - UGV (Unmanned Ground Vehicles)
- Personal Protective Equipment and Textiles
- Services (Consultancy and technical support, Dismantling and remediation, teaching and training, engineering, logistics)
- Simulation
- Trials, measuring, research, verification
- Weapons and Ammunition





# A response to operational and industrial requirements on topics as varied as:

- Battlefield Management
- Projection, Mobility and Crossing
- Surveillance of Sensitive Zones and Borders
- Maintenance of Law and Order, Peace-keeping
- Security of Infrastructures, Sensitive Sites and Transport
- Protection of Events and Crowd Controls
- Protection from Aerial Threats
- Fight against Terrorism
- Assistance to the Population and Crisis Management – Response to Natural Disasters
- Fight against Illegal Traffics and Cybercrime
- Fire Fighting
- Formation, Training and Decision-Making Support
- Logistics Support
- Trials, Measuring, Research, Verification
- Dismantling and Site Remediation
- Medical Treatment, Casualty Evacuation, Rescue



# GICAT's missions

- To **represent and defend** the **profession's interests to high authorities** such as:

- Political and governmental,
- Civil and military,
- National, European and International.



- To **promote French capabilities** and **support export development**.



- To **facilitate dialogue** between industrials and users to ensure a better match between users needs and industrials products and services on offer.



# GICAT REACH working group

**7 French companies** with customer-supplier relationships, even competitive, together to adopt a common position in conformity to REACH requirements

Since 2007: our major problems with REACH for ammunition, sub-systems ammunition and pyrotechnic components

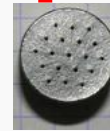


**The understanding and interpretation of REACH requirements for our products**

**The implementation of REACH**

# Our major topic:

## The classification of a pyrotechnic object under REACH



Predominate shape? Main function?  
Intentional release?

Article with an  
integral  
substance/  
mixture  
without  
substance  
intended to be  
released ???

No Registration

Article with  
an integral  
substance/  
mixture with  
substance  
intended to be released  
???


Registration for substance  
>1T/year

Combination  
of an article  
and a  
substance/  
mixture ???

# Tools available to help us



**Major changes**



**in the flowcharts**



*ECHA's guidance does not constitute a legal advice.*

*The text of the REACH regulation is the only authentic legal reference.*

# Our reply...

**GICAT**

APPLICATION  
DU REGLEMENT REACH  
AUX MUNITIONS

Version 2

# 2009

## To integrate

## the updated flowcharts

*Analysed with probity and in good faith*

**GICAT**

APPLICATION  
DU REGLEMENT REACH  
AUX MUNITIONS

Version 2  
GUIDE PROFESSIONNEL

# 2013

**GICAT**

**DRAFT OF ISSUE D**







STATUS OF AMMUNITION, SUB-SYSTEMS  
AMMUNITION and PYROTECHNIC  
COMPONENTS  
IN THE REACH REGULATION

Version 2 issue d

PROFESSIONAL GUIDANCE

# 2015

**GICAT**

No.	GENERIC TYPE	NON EXHAUSTIVE EXAMPLES	STEP 1: MAIN FUNCTION OF THE OBJECT	STEP 2: PREDOMINANT SHAPE, SURFACE OR DESIGN?	STEP 3: 5 or 6 CAN BE SEPARATED FROM THE OBJECT? YES GO TO STEP 4 NO GO TO STEP 6	STEP 4: a4 a5 a6 Apply if YES at the step 3	STEP 5: b4 b5 b6 Apply only if know NO at the step 4	STEP 6: c4 c5 c6 Apply if NO at the step 3	CLASSIFICATION OF THE OBJECT: SUBSTANCE, MIXTURE, ARTICLE, OR COMBINATION OF AN ARTICLE AND A SUBSTANCE OR MIXTURE	INTENTIONAL RELEASE OF A SUBSTANCE WITHIN THE ARTICLE?
112	High Explosive (HE) ammunition (and munitions)	Anti-tank mines, Reactive bricks, Support shells, Explosive shells, Hollow shells, shape charge/Defensive grenade, Mortar HE ammunition, Missiles or torpedo or rocket, Pre-fragmented ammunition, etc.  HE cartridge, of different calibers, fluid, gas gun ammunition fired on rail.  He artillery and cannon projectiles, torpedo, missile and rocket warheads, Air-to-air bombs, land or launched by air or dispenser) grenades, Explosive Reactive Ammo, Anti-tank Mines, HE Mortar Ammunition, HE Defragmented Ammunition, Ammunition comprising a pre-filled projectile capsule with a fluid or semi-fluid propelling charge, limited or not. Shape charge / missile, charge warheads and projectiles. Explosively formed penetrator warhead.  Engineering explosive charges.  Mortar HE ammunition     Hollow charge   Charge génératrice de noyau (transition ?)   Reactive brick 	Designed for the controlled movement of a solid and inert material for the destruction of a defined target, (fragments, projectiles, "shape charge", "plasma"...)  -to the destruction or damage to a target by the production of high velocity fragments, (self-forging projectiles or plasma jet).  -to fit a specific class of weapon system  -to ensure safety and reliability specifications	YES  The design and the shape of the high explosive ammunition are responsible for the projection of solid and inert materials (fragments, core (if applicable) generating charge, projectiles, "shape charge", plasma jet, ...) and their control movement towards their specific properties such as their shape, mass, and kinetic energy in order to reach and destroy the defined target, while various explosive substances / mixtures could be used to obtain similar effects.	1- YES  In most cases.  However, for safety reasons, it is not intended to separate them. A high secondary explosive charge, that haven't functioned, will be preferentially destroyed by burning or blasting, except for some cases scheduled for dismantling.	a4: NO  The substance/mixture (with no organizational design) used without the object would be unable to give the function defined in step 1.  The high explosive ammunition is designed, to fit a specific class of weapon system.  It must be adapted to a pyrotechnic train. It is generally designed to be propelled while ensuring safety and reliability functions.  The same for the case of energetic material alone and with a defined shape.  a5: NO  The high explosive ammunition is designed to fit a specific class of weapon system.  Its nominal operating is in line with one or several pyrotechnic functions of the pyrotechnic train (combustion, deflagration, detonation,...).  These reactions are chemical reactions and the reaction products are not in the scope of REACH (d Annex V).  The pyrotechnic train allows the initiation of high explosive ammunition (remotely) to obtain the desired final effects while ensuring the safety.	b4: YES  Without pyrotechnic substance/mixture, the high explosive ammunition couldn't fulfil its identified functions.  b5: YES  The high explosive ammunition is usually designed to ensure the function defined in step 1.  b6: NO  Normally, a GPO explosive ammunition is designed to function and ensure its functions. Therefore, the relevant substances have to be destroyed by detonation, and no longer exist as such.  If an unaffiliated high explosive ammunition could be disposed, in most cases, it will be preferentially destroyed by burning or blasting.  YES/NO	c4: YES  The high explosive ammunition maintains its integrity, it is designed to fit a specific class of weapon system, to initiate and operate according to the defined specifications and functions defined in step 1.  c5: YES  The customer specified the architecture (dimensions, caliber,...) for integration in the weapon system and to ensure the defined performances.  c6: YES  Not concerned or partial transformation  c6: YES  Or not concerned  YES	ARTICLE	NO RELEASE

## To help the

## understanding

# Main issues from GICAT's

## members ➤ Information management:

- How to retrieve information and updates on REACh?  
Are there any standard forms?
- What is the validity of a Reach certification ?
- How to give the requirements to subcontractor? How check the conformity of its deliveries? How to manage information on purchased products from distributors?
- How to impose our suppliers, the REACh compliance (specially with electronic components)?
- Tedious, long and expensive work: Impossibility for small and medium companies to mobilize a permanent team on Reach

# Main issues from GICAT's members

## ➤ Uncomprehension

- Is the notion of item « article one day, article forever » applicable? Today, how to calculate if a complex article contains more than 0,1 % of SVHC?
- How to define an article such an electrical outlet? Only connector? Only the cable? The entire system?
- Evolution of the REACH/CLP substance classification about nitroglycerin : in consequence, double base propellants, with nitroglycerin, are also declared fatal by dermal contact by some manufacturers in MSDS without management of risks. However no death registered after handling DB powder (??)

# Main issues from GICAT's members

## ➤ Hard Substitutions

### -Surface treatment with Cr 6+:

No universal solution.

Substitution hardest for military applications to comply with strict standards of aging.

For cadmium: unmatched performance against corrosion for connectors dedicated to harsh environments withstanding

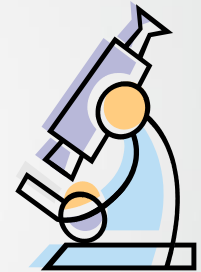
### -Lead salts:

Used in historical pyrotechnic compositions for ignition. Their substitution = to modify and qualify the entire pyrotechnic chain and safety and army devices.

# CONCLUSIONS

All member companies of GICAT agree to

Willingly share the GICAT's guidance  
and be open to the discussion

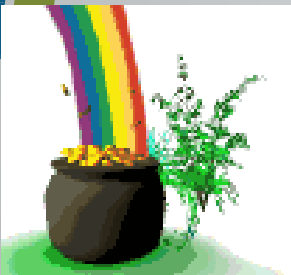


Exchange their point of view with other  
Europeans companies and national  
bodies if required

Ready to improve the management of  
chemical risks



Supply the armed forces with  
environmentally friendly products,  
harmless to human health





# Thank you for your attention

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# Discussion - Q&A

# Discussion

- REACH Code of Conduct - industry feedback
  - *Views on CoC usefulness as a tool to achieve EU-wide harmonisation of defence exemption procedures?*
  - *Specific views on the CoC agreed principles?*
  - *Specific views on the Technical Framework requirements?*
  - *Experiences from any past interaction with national authorities with respect to application of CoC related requirements in practice (submission of requests for granting of defence exemptions)?*
- Industry feedback in writing also welcome



# **Session Wrap-up and Way Ahead**

# Way Ahead

- **General Interaction between EDA and industry**
  - EDA to maintain close interaction with industry and best utilise industry inputs in EDA's work on REACH
    - Potential proposals on specific topics from industry welcome
  - Regular EDA/pMS/industry meetings
    - Annually - session with industry participation, during autumn EDA REACH plenary meetings
    - Ad hoc technical and/or higher level meetings, in case-by-case basis, if/when required

# Way Ahead

- **Questionnaire** : EDA to circulate to industry a document reflecting overall outcome of/information gathered from the EDA REACH Questionnaire
- **Ammunition Classification**
  - EDA to circulate to Industry a document with information on exchanged EDA questions and ECHA clarifications on ECHA Guidance steps/questions on classification.
  - Industry, after taking into account the ECHA clarifications, to provide input/views/additional information on the specific ammunition categories where differences in classification between industry and EDA/Task Force currently exist, as presented, **by 29 January 2016**
  - EDA to take into account in further ammunition related REACH work – keep industry informed on progress

# Way Ahead

- **EDA REACH CoC** : Industry is encouraged to send in writing to EDA feedback/views on the following issues, preferably through the ASD/RIWG and NDIAs for better coordination :
  - *Views on CoC usefulness as a tool to achieve EU-wide harmonisation of defence exemption procedures*
  - *Specific views on the CoC agreed principles*
  - *Specific views on the Technical Framework requirements*
  - *Experiences from any interaction with national authorities with respect to application of CoC related requirements in practice*

# Way Ahead

- Potential EDA REACH Study
  - EDA to keep industry informed on progress
  - Industry active participation to consultations/contribution to EDA REACH study will be very important/is encouraged
- Next regular EDA REACH meeting with industry :
  - \* end November/early December 2016 (Date TBC) \*



# Sources of Additional Information

- **EDA REACH PoC**

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- **EDA Website/REACH page** : <http://www.eda.europa.eu/our-work/projects-search/reach>

- **EDA REACH Portal** : <http://reach.eda.europa.eu/>

- **EDA REACH (ECP) Workspace** : registration by e-mail request to REACH PoC, after successfully registering for a **myEDA account**. Procedure described at : <https://registration.eda.europa.eu/>



**EDA REACH Meeting – Industry Session**  
**Thank you for your participation and attention**

**\*\* LUNCH \*\***