

WRITTEN QUESTION P-4306/08
by Horst Schnellhardt (PPE-DE)
to the Commission

Subject: Obligation to register foodstuffs under Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Regulation (EC) No 1907/2006 (REACH)¹ states that, starting from 1 December 2008, only chemical substances which have been registered or pre-registered may be used in industrial production. Under the current regulations, a substance which is classified as a foodstuff is subject to the obligation to register even if it is used, unchanged, in production outside the food sector. All foodstuffs which are not classified as substances which occur in nature under Article 3(39) or listed in Annexes IV and V must be subjected to the registration procedure. I would like to ask the Commission the following:

1. Why was no general exception made for substances which qualify as foodstuffs, as has always been standard practice in European chemicals legislation?
2. Why must a substance which, under Regulation (EC) No 178/2002², qualifies as posing no risk to human health or the environment, be tested again in the same areas of protection? What added value does the Commission hope to gain from this?
3. Reviews of safety under the REACH Regulation are conducted in line with standards for chemical substances. Substances which qualify as foodstuffs and have hitherto not been tested as chemicals must be subjected to a completely new, costly testing procedure. Does the Commission consider this to be proportionate?
4. According to the redraft of Annexes IV and V of the REACH Regulation, economic operators were able to apply for new substances to be registered, only to see them all rejected, largely for formal reasons. Did this decision consider whether the substances in question were safe foodstuffs? If not, why not?
5. The term 'substance which occurs in nature' is defined very narrowly in Article 3(39) of the REACH Regulation. Why does this not cover naturally occurring substances which are extracted from substances occurring in nature by processes other than those detailed here and are not changed by them?
6. From what point in the legislative process of the REACH Regulation was the food industry consulted and informed about foodstuffs and chemicals / dangerous substances being placed on the same footing?

¹ OJ L 396, 30.12.2006, p. 1.

² OJ L 31, 1.2.2002, p.1.