

The “streamlining” of authorisation: efficiency versus leniency

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Content

- REACH review conclusions v. ClientEarth's conclusions
- Lessons learned from the General Court
- ClientEarth's Recommendations for "streamlining"

REACH review conclusions

- Authorisation = “An effective driver for substituting SVHCs”
- Simplification “for the applicants”
- “Good quality applications”: key for more efficiency

ClientEarth's conclusions

- Authorisation = “An effective driver for substituting SVHCs”
- Simplification “for the ~~applicants~~ public authorities”
- “~~good quality~~ conform applications”: key for more efficiency

Key issue: leniency towards applicants

- **Flawed applications:**

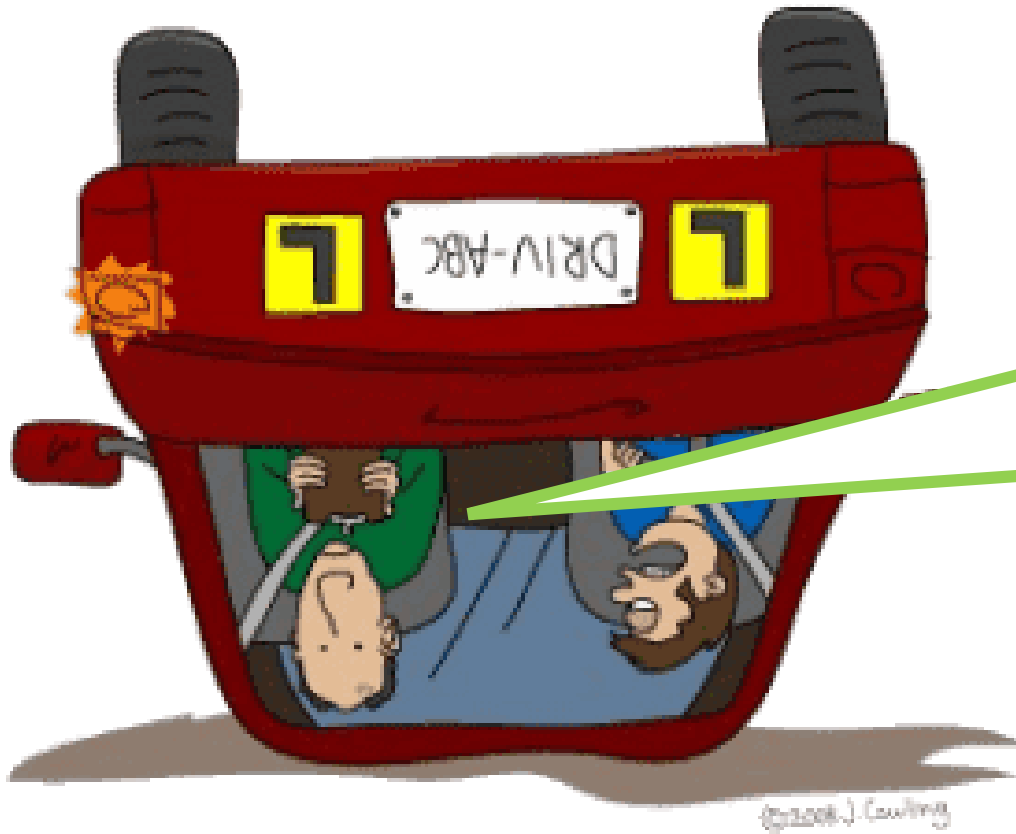
- Inadequate description of exposure scenarios

- No proof that suitable alternatives available for **ALL** uses applied for

...

- Evidence in public consultation **contradicting** analysis of alternative

➤ **Authorisation granted anyway**

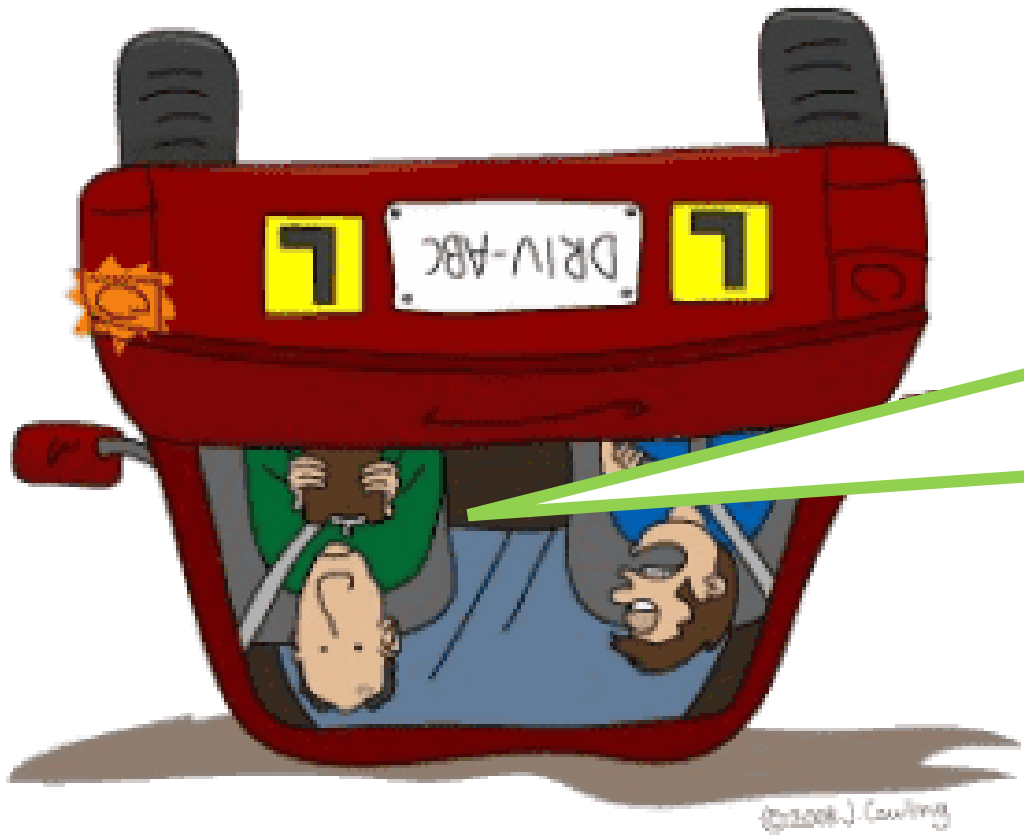


No worries!
Permit awarded as long as you come back in 4 years to show me again (?) that you know how to drive

That's a fail, huh?

Lessons learned from the General Court:

- Burden of proof is on the applicant
- Cannot **legally** remedy the failures of the application with:
 - “Short” review periods
 - Requiring the missing info later on
 - Leaving the question of alternatives open



Indeed

That's a fail, huh?

Lessons learned from the General Court:

- RAC/SEAC opinions do not bind the Commission
- Commission **must**:
 - Check coherence, relevance and accuracy of the reasoning of RAC & SEAC
 - Inquire
 - State reasons

Recommendations for “streamlining”

- Send clear messages: **no** data > **no** authorisation
- Work on RAC & SEAC **opinions**:
 - Clarity on the reasoning
 - Clarity on how third party comments are responded to
 - Coherence between reasoning and conclusion
 - Clarity on the remaining unknowns and **why** they remain



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