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**HEALTH AND SAFETY COMMISSION  
ADVISORY COMMITTEE ON TOXIC SUBSTANCES**

**PROPOSAL FOR CLOSING DOWN NEWCON**

**A paper by Bob Warner cleared by John Thompson**

**Issue**

1 The concentration of resources on the emerging new EU Chemicals Policy means that policy development of the current EU new Substances notification scheme has been discontinued. As a result the consultative forum (NEWCON) is no longer required.

**Timing**

2 Routine

**Recommendation**

3 That ACTS agrees to the closure of NEWCON and endorses the formation of a consultative forum for operational aspects of the UK new substances notification scheme.

**Background**

4 The EU scheme for the notification of new substances is a complex and demanding programme intended to ensure that new substances are only placed on the market with a robust set of information about the hazards and risks of the substance. To ensure smooth operation of the scheme the European Commission holds regular "Competent Authority" (CA) meetings to air issues and to agree consistent approaches to interpretation of the directives.

5 The UK forum for tripartite consultation on the policy issues at these meetings was established following ACTS agreement in 1997 to the formation of a sub committee known as NEWCON. Its terms of reference are at Annex 1. Over the years NEWCON has made major contributions to the development of UK policy on important new substances issues. In particular NEWCON has been successful in developing a solution to the problem of intermediates; this was promoted in the EU with the resulting amendment of the directive and subsequent change to UK new substances law.

6 Following a UK initiative during the 1998 Presidency, the EU is now developing an entirely new approach to the regulation of the supply of chemicals (REACH-Registration, Evaluation and Authorisation of Chemicals); this will deal with both “new”, and “existing” substances. Member States have agreed that the development of this new policy must take priority over other work and as a result no new initiatives on the current new substances scheme are foreseen.

### **Argument**

7 Although the Commission are continuing to hold CA meetings the agendas are matters of formality only and no policy developments are planned. Under these circumstances there is no need for NEWCON and we propose to close it down.

8 A separate tripartite forum exists for consultation on the new EU chemicals policy; several members of NEWCON are involved in this forum.

9 Although NEWCON's terms of reference were restricted to policy issues some members have informally expressed a desire for some kind of forum to engage with HSE on the operational aspects of the new substances scheme. We propose to examine how this can be done and to consult with stakeholders.

### **Communication Plan**

10 NEWCON members and relevant stakeholders will be informed of the change. A note will be added to the HSC web site page which describes the work of NEWCON.

### **Evaluation Plan**

11 No proposal.

### **Relevant Control Systems**

12 Not relevant

### **Consultation**

13 We have consulted NEWCON members. Those who replied (two TU nominees and one independent) were content. Some concerns were expressed over the new EU policy and the need for ACTS to maintain a watching brief on new substances matters in the interim phase. We agree that this is necessary and will keep ACTS informed.

### **Presentation**

14 Not relevant

### **Costs and Benefits**

15 Closure of NEWCON will provide a small saving to HSE and enable resources to be prioritised.

**Environmental implications**

16 Not relevant

**European implications**

17 Not relevant

**Devolution**

18 Not relevant

**Other implications**

19 Not relevant

**Action**

20 ACTS are invited to agree to the recommendations in Para 3. HSE will provide an update at the next meeting.

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# **Annex 1**

## **Annex 1 – NEWCON Terms of Reference**

### **Membership**

Nominees (not more than three each) from CBI, TUC and independent members nominated by HSE. One of the independent members to be from a Test House. Officials to include representatives from DETR/EA and HSE. HSE to provide chair and secretariat.

### **Purpose**

The main purpose of the Working Group is to assist the UK CA in developing its negotiating position on issues for discussion at EU Competent Authority meetings, and to provide periodic summary reports for ACTS on relevant issues. The specific topics to be considered by the Group will be mainly defined on the basis of the EU agendas, but could include other strategic issues relating to new substances. However, matters which may give concerns for commercial confidentiality or which relate to the operational aspects of the new substances scheme will not be considered by the Group.

### **Reporting/Meeting**

- Number of meetings: Two per year
- Report to ACTS: Periodic summary reports on relevant issues, three yearly review.
- Papers: Non-confidential papers (unless indicated), and a note of the meeting will be available on request from HSE's Information service.
- Agenda: The agenda and revised agenda (with action points) will be available on the Internet