

AGS, 14.5.2025

Committee on Hazardous Substances (Ausschuss für Gefahrstoffe, AGS):

Position paper on the interaction between the REACH Regulation and European Directives on Occupational Health and Safety (OSH).

Risk-based approach for the selection of regulatory measures

The Committee on Hazardous Substances (Ausschuss für Gefahrstoffe, AGS) is an advisory body of the German Federal Ministry of Labour and Social Affairs. The focal matter of the AGS is the safe handling of hazardous substances in the workplace and the development of targeted and effective protective measures for employees when working with hazardous substances.

Both the REACH Regulation and the OSH-Directives aim to minimise health risks and ensure the safe handling of hazardous substances. In particular, the OSH Directives ensure safe and healthy workplaces in the EU Member States. Therefore, the AGS supports the goal set out in the corresponding mission letter of 17 September 2024 to the EU Commissioner for Education, Quality Jobs and Social Rights, Roxana Mînzatu, to further improve the European approach to OSH and to ensure safer and thus high-quality jobs. REACH supports this with detailed information on hazardous substances, but also with other possible regulatory instruments such as authorisation and restriction. OSH regulations use this substance information to better identify workplace risks and focus on the protection of the health and safety of employees in specific working environments. The basis of OSH is a risk-based approach which, in addition to the hazardous properties of a substance, also considers the real exposure and the resulting risk during the activity to be carried out at the respective workplace and determines protective measures based on this.

In this context, the AGS welcomes the general concern of the "Chemicals Strategy for Sustainability" (CSS) to protect people and the environment from hazardous chemicals. This also includes the protection of employees from health hazards caused by hazardous substances in the workplace. With the planned implementation, it was previously intended to leave the risk-based approach to commercial use by providing for blanket bans (restriction) of placing on the market and use solely based on the intrinsic properties of a substance. However, in the case of uses that are to be covered by CSS's risk-based approach, sufficient and binding measures for the protection of employees' health have generally already been established. The consequence would be

over-regulation by this hazard-based approach and general bans, even though sufficient OSH measures are in place. This would result in a fundamental contradiction between the procedures of the REACH Regulation and the requirements of European and national occupational health and safety.

The AGS is of the opinion that significant synergy effects can be achieved through greater integration and harmonisation of the two areas. It is important to refocus on the risk-based approach, regardless of the legal area, and to promote appropriate action. From the AGS's point of view, an expansion of generic, exclusively hazard-based approaches is not expedient in the OSH area.

Fundamental position of the Committee on Hazardous Substances:

The application of a risk-based approach to occupational health and safety at work is in line with the requirements in practice and is clearly favoured to a hazard-based approach.

Exclusive hazard-based approaches do not correspond to the practice in occupational health and safety and weaken the EU's economies' competitiveness in the commercial area.

Concrete suggestions for the improvement made by the AGS concerning the interaction of the REACH Regulation and the OSH Directives

To minimise workplace-related risks from hazardous substances and to implement the necessary protective measures for employees, the REACH Regulation and the OSH regulations must support each other. The REACH Regulation provides a broad basis for monitoring chemical safety in the EU, while the OSH regulations are specifically aiming at the safety and health of employees in specific work situations. In line with the Commission's objective of quality jobs, efficiency and reduction of bureaucracy, REACH and the OSH Directives are not to be regarded as competing legislations. Only the interaction of these regulations leads to comprehensive and effective protection of employees.

More efficient use of the Analysis of Regulatory Management Options (RMOA)

The Regulatory Management Option Analysis (RMOA) has so far been a non-binding tool under the REACH Regulation, which can be used to identify the need for a regulatory measure as well as the most efficient regulatory process. In the opinion of the AGS, effective regulatory channels outside the REACH Regulation, in particular within the framework of the existing OSH Directives or the Industrial Emission Directive (IED), are not yet sufficiently considered. To achieve this goal, a coordinated approach

is required by the responsible Directorates-General DG EMPL, DG GROW and DG ENV as well as their agencies (including ECHA and EU OSHA). Appropriate expert committees from the fields of OSH (e.g. Committee on Safety and Health at Work (ACSH)/Working Party Chemicals (WPC)) should also be involved in this process at an early stage. This would also support the objective set out in the EU Competition Compass (COM(2025)030), which calls on all EU institutions to work together to avoid a "regulatory one-way street".

A coordinated approach to establish occupational exposure limit values is of particular relevance. Binding occupational exposure limits must be set based on the European legal OSH framework. This is the only way to ensure the social partner dialogue. Different limit values, on the one hand in restrictions according to REACH and on the other hand in OSH Directives for the same substance in the respective areas of responsibility of DG EMPL and DG ENV, must be avoided.

Position of the Committee on Hazardous Substances:

A structured process for deciding on the most regulatory and technically reasonable measure must be established at the European level. The starting point for this process is to be the implementation of an RMOA and the greater consideration of OSH aspects and findings in the RMOA under REACH as well as in other chemical safety regulations in the EU.

Closing the regulatory gap of one-person companies in OSH

A well-known regulatory gap in the current EU OSH legislation is the fact that one-person companies (self-employed without employees) are not formally covered by the scope of OSH. The exact requirements and regulations vary depending on national law and specific sector requirements.

Position of the Committee on Hazardous Substances:

Consideration should be given to how to close the regulatory gap for one-person companies and to include them in the scope of OSH Directives.

Supporting the practical implementation of the EU's occupational health and safety legislations

In order to support the practical implementation of OSH across the EU, it is proposed that some basic guidelines should be developed at EU level to provide guidance on the choice and implementation of the necessary measures in the workplace. Existing

technical regulations of the Member States, such as the Technical Rules for Hazardous Substances (TRGS) in Germany, can serve as a basis. This would also support the objective of promoting skills and quality jobs in the EU, as set out in the EU Competition Compass (COM(2025)030). The AGS considers the following topics, among others, to be particularly relevant:

- Development of basic OSH guidelines at European level, analogous to the existing German Technical Regulations, e.g. TRGS 400 "Risk assessment for activities with hazardous substances"; TRGS 500 "Protective Measures" or TRGS 600 "Substitution".
- Clarification of the REACH/OSH interfaces, in which the importance of REACH exposure scenarios for the OSH risk assessment is explained. The AGS has already formulated initial recommendations in this regard, see, for example, Announcement 409 "Use of REACH information for occupational health and safety".
- Establishment of industry-specific guidelines covering those occupational groups for which an increased EU-wide risk in the workplace can be assumed based on epidemiological data on occupational diseases (see e.g. TRGS 530 "Hairdressing sector").

Position of the Committee on Hazardous Substances:

European guidelines and implementation aids for the implementation of the requirements of the corresponding OSH guidelines should be developed more intensively in order to further strengthen occupational health and safety in Europe.

Strengthening enforcement through cooperation

The REACH Regulation and the OSH Directives are equivalent, independently valid regulations that must also be considered appropriately at the level of enforcement. The authorities responsible for enforcement are often different authorities of the EU Member States. From the AGS's point of view, the aim must be to strengthen enforcement in both legal areas, chemicals law and OSH to achieve better coordination between the two areas. The aim is to provide better support to national authorities in fulfilling their tasks and to promote an understanding of the overlap between the applicable rules on chemicals management under REACH and occupational health and safety in national implementation.

Position of the Committee on Hazardous Substances:

Closer cooperation between the SLIC-CHEMEX Working Group and EC-HA's Enforcement Information Exchange Forum (Forum) should be established. To provide support, existing national implementation aids should be brought in more strongly by the national representatives.