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# REACH AND DEFENCE: UPDATE FROM THE EUROPEAN DEFENCE AGENCY

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4<sup>th</sup> ESA REACH Workshop  
18 October 2022



# OUTLINE



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Implementation of circularity principles in defence sector

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Conclusions / Reflexions





ABOUT THE EUROPEAN DEFENCE AGENCY

# EDA AT A GLANCE



Intergovernmental Agency  
of the Council of the European Union



Established in 2004  
Based in Brussels

1

Main intergovernmental  
prioritisation  
instrument  
at EU level in support of  
defence capability  
development



2

Preferred  
cooperation forum  
for technology and  
capability development



4

3

Military interface  
between Member States  
and EU wider policies



# A PROACTIVE HUB FOR THE EUROPEAN DEFENCE COMMUNITY

## EDA interfacing with (e.g.):

- **Key partners in civil-military coordination**  
(e.g., European Commission, EU Agencies, ESA, Eurocontrol, SESAR)
- **Partner organisations in improving European military capabilities**  
(e.g., OCCAR, EATC, NATO)
- **Industry,**  
through ASD & NDIAs

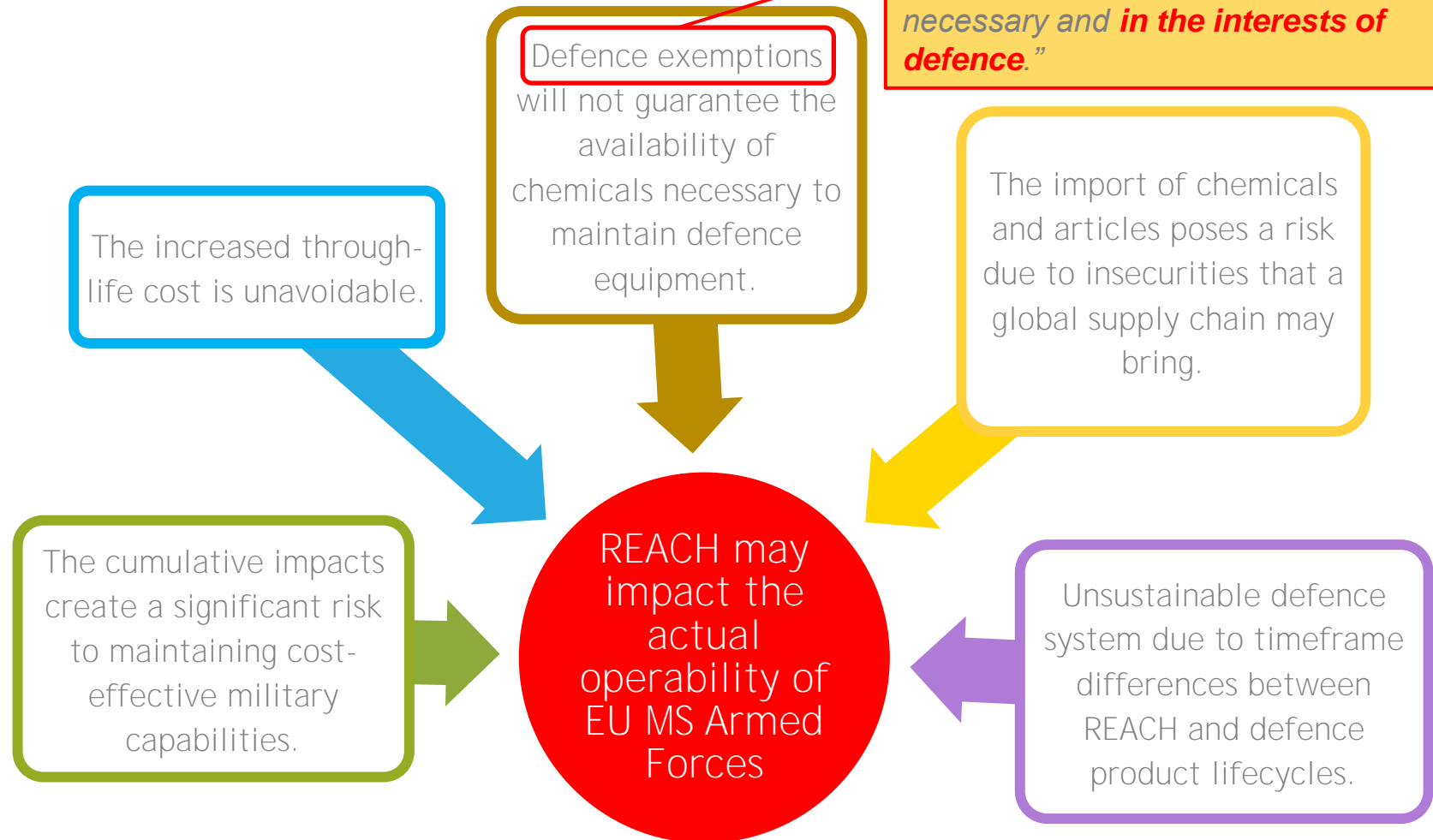






# EDA REACH ACTIVITIES

# IMPACT OF REACH ON DEFENCE



**Article 2, par. 3:** “Member States **may allow for exemptions** from this Regulation in specific cases for certain substances, on their own, in a mixture or in an article, where necessary and **in the interests of defence.**”

Source: [2016 EDA Study on the impact of REACH and CLP chemical regulations on the defence sector](#)



# EDA REACH ACTIVITIES - Background



**EDA only forum for structured dialogue / central role as EU military coordinator on REACH-related defence issues**

## AIM

- ▶ Establish **best practices/common understanding** in REACH implementation
- ▶ Support the main purpose of REACH while **mitigating** its impact on defence and **ensuring the operational effectiveness** of the European Armed Forces
- ▶ Facilitate **common coordinated actions**, in close cooperation with the Commission, ECHA and industry
- ▶ Support **harmonisation** and transparency of national defence exemption procedures



**Since**  
2009



## Participating Countries

All 26 EDA participating Member States + Norway\*



\*As EEA member, Norway is bound by the REACH Regulation as are EU MS



## Partners

European Commission, European Chemicals Agency (ECHA), European Space Agency (ESA)



## EDA REACH Task Force

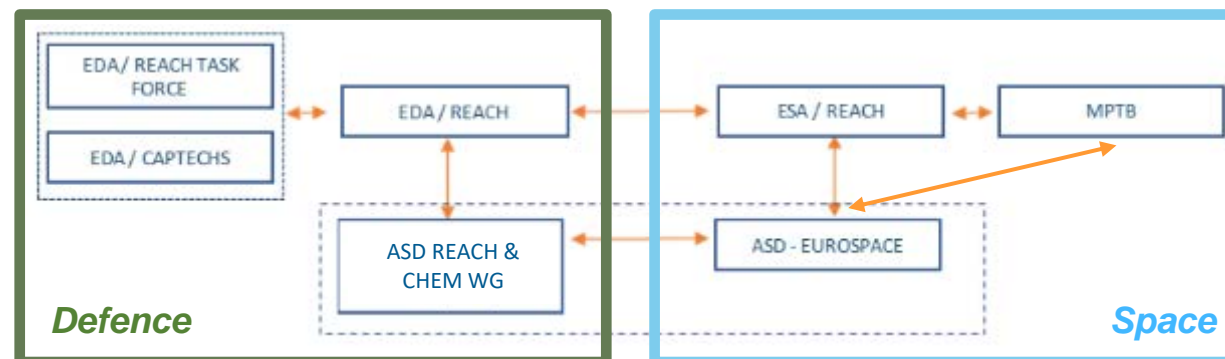
REACH/defence experts from specific countries supporting EDA at technical level



To find out more: [EDA REACH Project Webpage](#)

# INTERACTION WITH ESA ON REACH

- **Defence and Space niche sectors sharing common topics of interest and challenges on REACH**
- **EDA/ESA REACH close interaction**
  - EDA membership in **Material and Processes Technology Board (MPTB)**, as observer
  - ESA invited regularly to EDA REACH Plenary meetings, as observer
- In-depth expertise/technical groups from both sides
- Defence/Space Industry at EU level : **Common denominator ASD and its relevant activities/forums** (Defence : ASD REACH & Chem WG, Space: ASD-Eurospace)



# EDA REACH ACTIVITIES - Main Achievements



EDA REACH Portal on national policies and procedures on granting REACH Defence Exemptions



2015

EDA Code of Conduct on REACH Defence Exemptions

2016

2017

EDA REACH Roadmap 2018-2020 adopted

2019

EDA Recommendations to Member States for Facilitating Alignment of national Procurement Contracts with REACH



2020



2021

EDA Roadmap 2021-2023 on REACH and related Chemicals/Waste regulations adopted

2022

EDA Code of Conduct on CLP Defence Exemptions



EDA updated pMS Common Position on Ammunition Classification

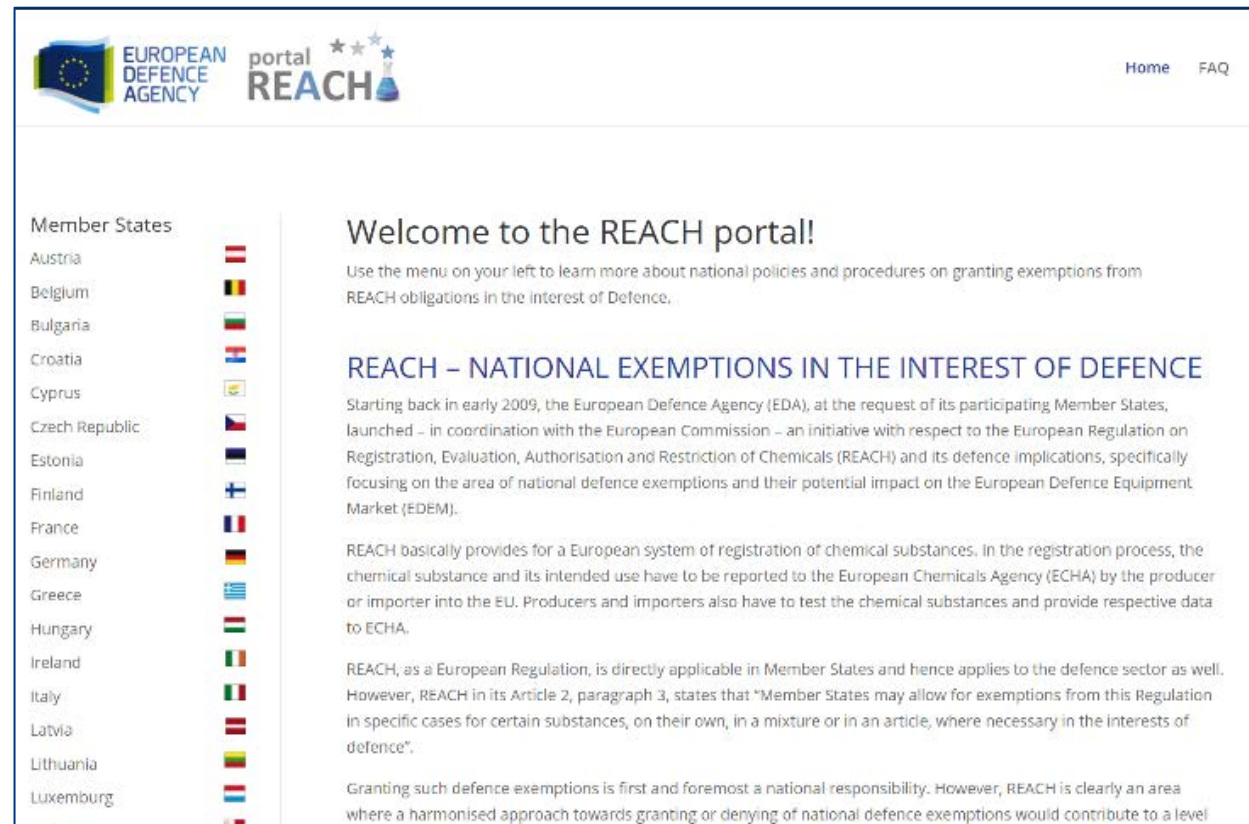
EDA PFAS Working Group 1<sup>st</sup> meeting



# # REACH Defence Exemptions

- EDA [REACH Portal](https://reach.eda.europa.eu/) about **national policies and procedures** on granting exemptions from REACH obligations in the interests of defence, *since 2009*
- Agreement on way-ahead regarding **internal and external transparency** of SMS's REACH Defence Exemption Procedures and Decisions, *July 2021*

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



EUROPEAN DEFENCE AGENCY portal REACH

Home FAQ

Member States

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxemburg

Welcome to the REACH portal!

Use the menu on your left to learn more about national policies and procedures on granting exemptions from REACH obligations in the interest of Defence.

### REACH – NATIONAL EXEMPTIONS IN THE INTEREST OF DEFENCE

Starting back in early 2009, the European Defence Agency (EDA), at the request of its participating Member States, launched – in coordination with the European Commission – an initiative with respect to the European Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and its defence implications, specifically focusing on the area of national defence exemptions and their potential impact on the European Defence Equipment Market (EDEM).

REACH basically provides for a European system of registration of chemical substances. In the registration process, the chemical substance and its intended use have to be reported to the European Chemicals Agency (ECHA) by the producer or importer into the EU. Producers and importers also have to test the chemical substances and provide respective data to ECHA.

REACH, as a European Regulation, is directly applicable in Member States and hence applies to the defence sector as well. However, REACH in its Article 2, paragraph 3, states that “Member States may allow for exemptions from this Regulation in specific cases for certain substances, on their own, in a mixture or in an article, where necessary in the interests of defence”.

Granting such defence exemptions is first and foremost a national responsibility. However, REACH is clearly an area where a harmonised approach towards granting or denying of national defence exemptions would contribute to a level

# # REACH Defence Exemptions (cont.)

- EDA Code of Conduct on REACH Defence Exemptions, *Mar 2015*
- Annex to CoC - Framework for Applying for a Defence Exemption from a Requirement of REACH, *Mar 2015*



<https://eda.europa.eu/docs/default-source/documents/eda-code-of-conduct-on-reach-defence-exemptions.pdf>



<https://eda.europa.eu/docs/default-source/documents/annex-to-coc-framework-for-applying-for-a-defence-exemption-from-a-requirement-of-reach.pdf>

➔ EDA activities to enhance **transparency, reciprocal acknowledgment, improvements/ evolutions** of national defence exemption procedures/decisions

# # Alignment of Procurement Contract Terms with REACH

- EDA Recommendations to Member States for **Facilitating Alignment of national Procurement Contracts with REACH**, *February 2019*



ED A documentation for Government use only

**ANNEX 4**

**Alignment of Member States' Procurement Contracts with REACH**

**Attachment:** EDA Recommendations to Member States for Facilitating Alignment of National Procurement Contracts with REACH

**Issue/Background**

The EDA REACH Study<sup>1</sup>, finalised in December 2016, reflected, among others, that EU defence industry has expressed concerns regarding the wording of some contractual clauses in Member States' defence procurement contracts stemming from REACH requirements. Such clauses sometimes deviate/are not aligned with the REACH terminology<sup>2</sup> and the provisions regarding the communication of information in the supply chain.<sup>3</sup>

This misalignment between Member States' REACH-related contractual requirements and REACH Regulation provisions, results in uncertainties and lack of clarity for defence industry/contractors, which in turn may create unnecessary risks to contract implementation, both for industry/contractors and Member States which awarded the contract(s). In addition, there may be potential strong implications on already established internal industrial processes, potentially affecting industries throughout the multi-tier supply chains, from the main contractor through to the suppliers of small components, which may cause significant costs.

Against this backdrop, the study recommended (under proposal No. 9.5.3) the implementation, by EDA/MoDs with the support of defence industry, of a follow-up activity aiming to standardise Member States' defence procurement contract terms/clauses around appropriate EU MoD and industrial (supply chain) best practices and return of experience, to best align such terms/clauses with the provisions of REACH.

<sup>1</sup> EDA Study on the Impact of REACH and CLP Chemical Regulations in the Defence Sector, available via <https://www.eda.europa.eu/docs/default-source/documents/eda-reach-study-final-report-2016-dissemination.pdf>

<sup>2</sup> Mainly REACH Article 3(1)(3) defining "substance", "mixture" and "article", as follows:

(1) **substance:** means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

(2) **mixture:** means a mixture of solution composed of two or more substances;

(3) **article:** means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition;

<sup>3</sup> Mainly REACH Articles 31 (Requirements for safety data sheets), 32 (Duty to communicate information down the supply chain for substances on their own or in mixtures for which a safety data sheet is not required), and 33 (Duty to communicate information on substances in articles). For example, requirements may refer to "hazardous materials", "goods" or "products" when requiring the delivery of safety data sheets (which are only required under REACH Article 31 for hazardous "substances" and "mixtures" in the sense of REACH, but not for "articles" which are subject to REACH Article 33 in relation to candidate list substances).



# # Studies

- EDA [Study](#) on REACH and CLP Impact on Defence sector, *Dec 2016*
- EDA [Study](#) on EDA Study on the impact of other (than REACH/CLP) European Chemicals/Waste Regulations on the Defence Sector, *Jan 2021*



<https://eda.europa.eu/docs/default-source/documents/eda-reach-study-final-report-2016-december-16-p.pdf>



<https://eda.europa.eu/info-hub/press-centre/latest-news/2021/01/27/defence-impacted-by-variety-of-eu-rules-on-chemicals-waste-study-finds>

# # EDA pMS Contribution to REACH Revision

## Position Summary

- Support the existing legal provision for defence exemption (Art.2(3) should be maintained as it stands)
- Recall main specificities of defence sector and remaining/upcoming challenges:
  - A need for clear identifiers to improve traceability of substances and substitution
  - A need to improve the understanding and predictability of the risk management measures
  - The reform of authorisation and restriction processes need to take into account several principles to better cope with some specificities of the defence sector
- Highlight the importance to **ensure that the essential use concept does not threaten EU strategic autonomy development**



Position paper also circulated in the context of the survey on the Essential use concept

# # EDA REACH R&T&D Activities for Innovative Substitution

## Main Sub-Activities/Scope

Liaise with and support EDA R&T communities (CapTechs)  
EU R&T&D funding mechanisms (e.g. ESIF, EDF)

*Continuous Sub-Activities*

## Key Objectives/ Deliverable(s)

- **Promote REACH-related R&T activities for innovative substitution of chemical substance**
- **Support potential REACH R&T Ad-hoc programs/projects**
- **Promote/Best exploit EU funding opportunities for REACH R&T**





# # Examples of EDA R&T Focus Areas & Challenges

## ➤ Surface treatment

- ✓ **Hexavalent Chromium compounds** in surface treatment
- ✓ **Cadmium** plating in the aerospace & defence sector (e.g. fasteners, connector housings)
- ✓ **Boric acid** (critical use in electrolytic deposition of metals)
- ✓ **Cobalt** (Ni-based corrosion protection)

## ➤ Munitions Thermal and fire insulation materials (e.g. Refractory ceramic fibres)

## ➤ Alloys (e.g. Lead-free alloys)

## ➤ Components (e.g. Lead-free soldering, Boron oxide in GaAs manufacturing, PZT for sonar)

## ➤ REACH Compliant Energetic Materials (e.g. Lead-free ammunition)



### **REACH R&T for innovative substitution of substances used in defence is challenging**

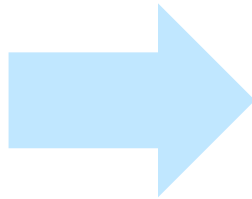
- especially considering short REACH timelines and strict defence (re-)qualification (e.g. Air Sector/airworthiness) and/or safety (e.g. ammunition) criteria
- In some cases defence R&T efforts have been ongoing for years without concrete outcomes on finding viable alternatives for all defence uses (e.g. chromates in surface treatment, lead in ammunition)

# # EDA PFAS Activities



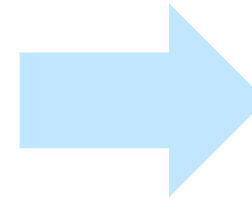
## 2020: Initial **mapping** on PFAS in Firefighting foams

- MoD's uses of PFAS-based fire-fighting foams
- National activities towards PFAS-free alternatives
- Challenges to substitute



## 2021: Implementation of the **EDA PFAS WG** with a focus on **Firefighting foams**

- Exchange information on current practices
- Share feedback on testing alternatives
- Prepare input to ongoing restriction proposals



## Way Ahead

- Identify **further impacts** on defence sector
- Prepare input for the upcoming **'Universal' PFAS restriction proposal**



IMPLEMENTATION OF CIRCULARITY PRINCIPLES IN DEFENCE  
SECTOR - IF CEED

# CIRCULAR ECONOMY

- “[eda.europa.eu/ifceed](http://eda.europa.eu/ifceed)” -

## Incubation Forum for Circular Economy in European Defence (IF CEED)



### AIM

Implement circularity principles in European Defence by:

- ▶ incubating collaborative projects;
- ▶ enabling transnational innovative solutions and revised business models.

Contributing to the EU Climate Change and Defence Roadmap



### WHOM FOR?

- ▶ Ministries of Defence
- ▶ Any pertinent EU / national / international public body/organisation
- ▶ Academia
- ▶ Industry
- ▶ Research-and-Technology-Organisations
- ▶ Financial institutions

### HOW?

- ▶ Under 2 *Incubation Clusters*, experts works within below **9 "Project Circles"** (PC)

Incubation Clusters [ICs]									
IC 1 "Materials & Innovative Designs" [MIS]				IC 2 "Processes & Digitalisation" [PD]					
PC Critical Raw Materials	PC Circular Additive Manufacturing	PC Circular Materials for Textiles	PC Sustainable Ecodesign	PC Waste Framework Directive, 9.1.i)	PC EMAS Uptake Strategy	PC Green Procurement	PC Circular Data	PC Spare Parts Management	

The Incubation Forum for Circular Economy in European Defence (IF CEED) is co-funded by:

The LIFE Programme of the European Union



The Luxembourg's Ministry of Foreign and European Affairs - Directorate of Defence

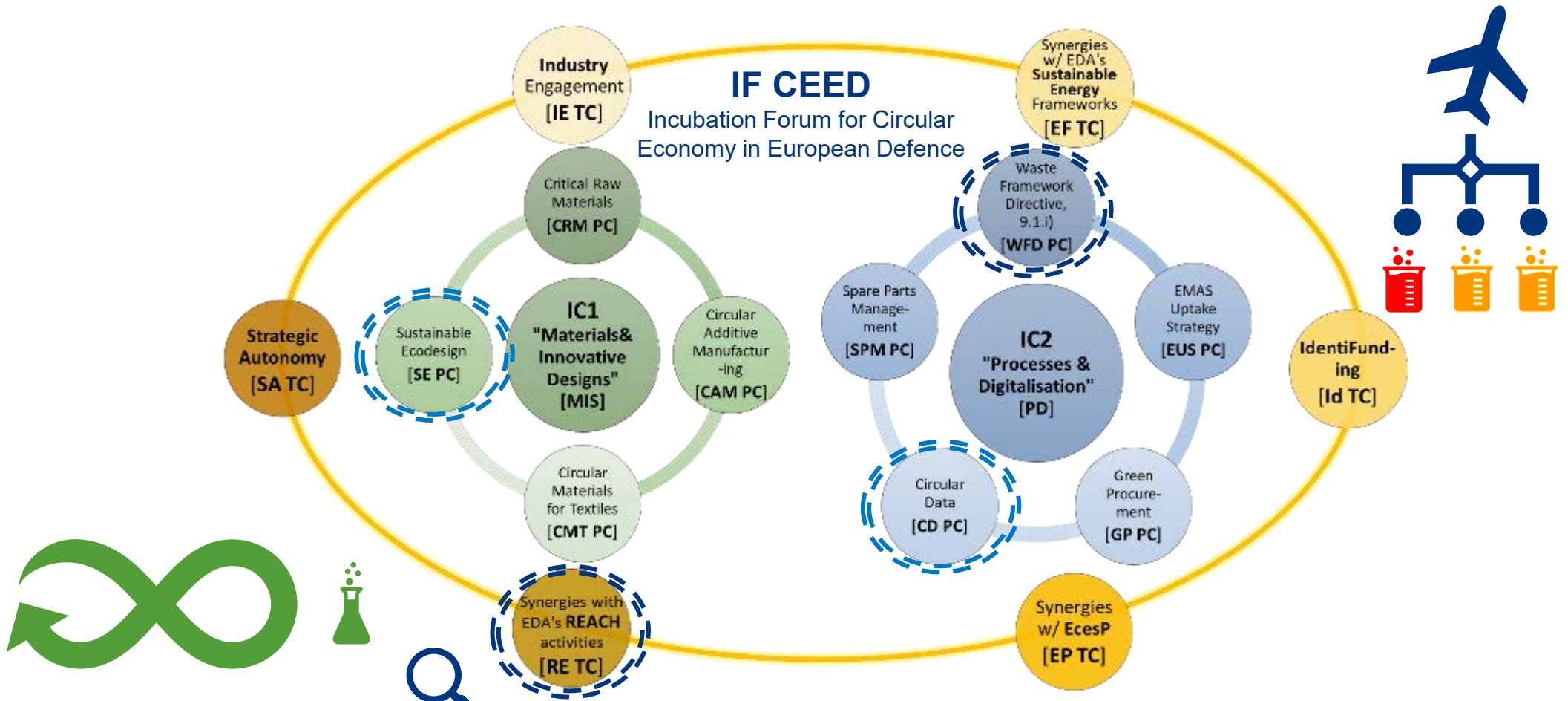


THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG  
Ministry of Foreign and European Affairs

Directorate of Defence



# LINK WITH REACH - Avoiding regrettable substitution and promoting non-toxic material cycles



**IF CEED**  
Incubation Forum for Circular Economy in European Defence

[circular.economy@eda.europa.eu](mailto:circular.economy@eda.europa.eu)  
[www.eda.europa.eu/ifceed](http://www.eda.europa.eu/ifceed)



CONCLUSION / REFLEXIONS

# CONCLUDING REMARKS

EDA is **supporting the continuous effort** required by MoDs to **comply with REACH** (and other EU's regulations on chemicals) while **maintaining the operational effectiveness** of the EU Armed Forces.

Through **close coordination** with all involved stakeholders at EU (**EC, ECHA, ESA, EU industry associations/ASD**) and national (**MS Competent Authorities, National Defence Industry Associations**) levels.

By joining forces, EDA/defence and ESA/space can have a **stronger common voice** and make themselves heard towards other EU REACH stakeholders, **in view of minimising the potential future impact of REACH for both Defence and Space sectors**



# FURTHER INFORMATION ON EDA REACH WORK STRAND



**EDA REACH Programme WebPage**  
<https://eda.europa.eu/what-we-do/all-activities/activities-search/reach>

**EDA Roadmap 2021-2023 for REACH and related chemicals/waste EU regulations**  
<https://eda.europa.eu/news-and-events/news/2021/10/29/new-reach-work-roadmap-adopted>



THANK YOU FOR YOUR ATTENTION  
ANY QUESTION?

## REACH AND DEFENCE: UPDATE FROM THE EUROPEAN DEFENCE AGENCY

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