

Manual on REACH and Substances Law
By Jürgen Fluck, Kristian Fischer, Anja von Hahn (eds.)

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This manual, in the German language, aims at collecting and commenting on German, European and international chemicals law. The first contribution of March 2008 includes legislation on chemicals, pesticides, biocides, detergents, fertilizers and other provisions on chemical substances. About one third of Regulation (EC) 1907/2006, the EC REACH Regulation, and of provisions of other legislation has been the subject of detailed comments. It is intended to have four updating releases of this looseleaf manual per year, with two in 2008.

Two of the editors, Fluck and Mrs. Von Hahn, work in the legal department of the German chemical undertaking BASF. Fischer is German advocate and also teaches at Mannheim University. Seventeen further lawyers are mentioned as collaborators; eight of them work professionally in the sectors covered by the book, six other lawyers work as either advocates or university professors which appears to qualify them particularly well for cooperating in this work. The composition of the team of editors and collaborators makes it likely that the book will concentrate on practical issues and will not only be an academic exercise.

As the REACH regulation is of recent date, the comments made so far mainly try to address the different provisions by starting from the previously existing law, describing the history of the REACH provision in question and integrating the provision into the general context of the current Regulation 1907/2006. This appears logical, as Regulation 1907/2006 introduces new provisions for many undertakings which are often not easily understood. It seems that more theoretical considerations will be made in the introductory remarks for specific sections or Articles. A closer examination shows that the comments essentially take into consideration the needs of actually applying the provisions in practice. Legal literature is indicated at the beginning of each provision or otherwise put into footnotes. The comments are clear, generally easily understandable and precise; they demonstrate the authors' efforts to give useful information to the reader.

Generally, the publication of a looseleaf manual on chemical law is to be welcomed, because the legislation on chemicals is not very transparent and, also for that reason, not always well commented upon in legal literature. The regular supply of additional looseleaves will hopefully ensure a continued updating of the manual. In contrast, however, the sectors covered are not completely logical. The preface of the manual informs us that it is not intended to comment on pharmaceutical and food and feed legislation, as these are "established special sectors". However, nothing is said about legislation on cosmetics, on genetically modified organisms or products and, more generally, product law: indeed, also in these sectors, certain substances are regulated, banned or restricted in use. The term "substances law" (*Stoffrecht*) is without contours: the looseleaf manual intends to discuss, under the notion of "law on other substances" (*anderes Stoffrecht*) legislation on chemical weapons and substances for drugs. This is quite arbitrary, all the more, as these two sectors seem to be the only ones that will be covered. It is not understandable either, why the book comments, for example, on the EC Regulation on substances that deplete the ozone layer,¹ but not on the legislation on lead in petrol, sulphur in diesel,² heavy metals in packaging,³ or phthalates in toys.⁴

¹ Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer as amended.

² Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC as amended.

³ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste.

The book addresses German readers. However, as it comments mainly on EC regulations or directives including their transposition into national law - it remains useful reading also for readers of other legal cultures. More care should be taken anyway in order to include practices and comments from other EC Member States, all the more as in the past, German and other EC chemical undertakings were not always on the same political, strategic or tactical wave-length with regard to chemicals.

There is not yet any comparable publication within the EC. The publishers should therefore be applauded for the decision to bring the book to the market. Therefore, I am sure that this book will soon be an indispensable working tool for all those who are interested in chemical legislation: corporate lawyers and academics, administrators and researchers alike.

⁴ Directive 2005/84/EC of the European Parliament and of the Council of 14 December 2005 amending for the 22nd time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (phthalates in toys and childcare articles).