

# China pushing to finalise law on new and existing substances

Environment ministry working at 'full speed', Regulatory Summit delegates hear

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China's Ministry of Ecology and Environment (MEE) is working at "full speed" on the draft [Regulation](#) for new and existing substances, Heng Li, senior associate at law firm Mayer Brown, told Chemical Watch's Regulatory Summit in Brussels today.

The draft [Regulation](#) on the Evaluation and Control of Chemical Substances (Erac), will affect any company handling chemicals in China. It focuses on environmental risk assessment and control and applies to any 'chemical substance'.

On 2 September China notified the World Trade Organization of the draft Erac Regulation and member countries have until 31 October to submit comments. Ms Li said "the timeline for the promulgation of this Regulation remains unclear, but according to a government official, after the WTO consultation has ended, the MEE will submit the draft to the Ministry of Justice and will try to proceed quickly with it."

Article 15 of the draft law requires industry to submit data on existing chemicals – and expressly encourages data sharing and joint submission to do so. But this is not mandatory. "Companies can choose to fight alone or team up and, in order to decide on this, they may consider various elements, such as avoidance of data discrepancies for the same substance, optimisation of costs, avoidance of 'free riders' or industry's influence on the risk assessment process."

However, the government has not created a system to help companies find their fellow companies so industry would have to develop this, Ms Li added.

## MEP Order 7

Meanwhile, a revised version of MEP Order 7 is currently under a WTO TBT consultation. On 9 July, the MEE published a draft for public consultation and then notified the WTO of the text on 2 September. The relatively short time period between the two actions – plus the fact that the content of the document did not change – suggests the authorities are working quickly to finalise it. But the



timeline for revisions to MEP Order 7 remains unclear, although Ms Li "would not be surprised" if it was adopted in a relatively quick manner after the WTO consultation ends on 31 October.

Compared with the current Order 7, the revised version simplifies the registration requirements for many substances and makes the process considerably easier for industry, she said. However, Ms Li said that she would wait for the adoption of the revised MEP Order 7 and of the potential revisions to the associated guidance documents before commenting on whether data requirements would be indeed reduced, especially for 'highly hazardous substances' (HHSs), which are defined as PBTs, vPvBs or "substances possessing the equivalent hazards".

As part of the post-registration measures, companies may be required to submit more data and the government could ban or restrict a registered new chemical. "It's not just about getting registration finished; more challenges are expected to come afterwards," Ms Li said. The government is expected to request more data on chemicals of concern.

*Chemical Watch's Regulatory Summit took place in Brussels on 14-15 October.*

*This article was amended on 28 October to clarify in particular the timeline for the MEP Order 7 revisions and that the draft Erac regulation does not require registration for existing substances.*

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