Chemicals in articles and the REACH Regulation

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Outline of the presentation

- The role of REACH in the use of chemicals in articles
- What’s an article
- Registration obligations
- Notification obligations
- Communication of information in the supply chain
- 0.1%
- Ways forward
Role of REACH to reduce use chemicals in articles

- REACH is a substance focussed legislation although it also tackles products through restrictions
- Also, substances as such can be consumer products (ex: turpentine)
- So primary aim is to protect Environment and Human Health by controlling the risks in supply chain and reversing the burden of proof of risk on the industry
- Info gathered through REACH will feed into the product focussed legislation (ie toys, construction, cosmetics)
What is an article under REACH?

- **Substances as defined in REACH can be products (ex: turpentine)**

- **Definition of article:**
  
  "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." (Article 3(3) of REACH)

- **Guidance on substances in articles (ECHA’s website):**
  
  - Is the function of an object determined to greater degree by shape, surface or design ➔ article
  
  - Is the function of an object determined to equal or greater degree by its chemical composition ➔ substance/preparation in container/carrier material
  
  - To help decide in practice indicative criteria.

- **Commission opinion on the issue of buildings and asbestos:**

  Buildings are not articles within the meaning of Article 3(3) of REACH, so long as they remain fixed to the land on which they stand.
Registration of substance in article

- Registration of a substance covers uses and production of an article is a use
- Registration of substances intentionally released
  - Substance present above 1 tonne.
- Agency may require registration for substances:
  - Substance present above 1 tonne
  - The Agency has grounds for suspecting:
    - The substance is released
    - The release presents a risk.

- The rules above only apply if the substance has not already been registered for that use.
Notification of SiA

- SVHC: substance of very high concern
  - PBT/vPvB or CMR or similar concern (endocrine disruptor)
  - Placed on “the candidate list” (ie prioritisation towards Annex XIV)

- Notification of Substances of Very High Concern if
  - SVHC present above 1 tonne
  - SVHC present above a concentration limit of 0.1% w/w
  - Exposure of the public or the environment during the full life cycle cannot be excluded.

- Contact details
- Reg number
- Name of the substance
- Description of the use
Communication of information on substances in articles

- **Obligation to provide sufficient information to allow safe use of the article**
  - By any supplier of an article to the recipient
  - By any supplier of an article to a consumer upon request
  - For SVHC included in the candidate list
  - Contained in the article in a concentration above 0.1% w/w
  - Including as a minimum the name of the substance.

- **This is one of the shortcomings in REACH as was shown by a study commissioned by the EEB, COM reflecting on better way to raise awareness (The Fight to know)**

  - Contact details
  - Reg number
  - Name of the substance
  - Description of the use
Authorisation and importers

- Authorisation title applies only to articles produced in Europe and not to imported articles

- Commission is aware that it is imbalance for business
  - Burden for EU producers
  - But in the long run also provides guarantees for consumers that articles produced in the EU do not contain certain substances
  - Consumer awareness will increase

- Article 69(2) permits ECHA to prepare a restrictions dossier after the sunset date of a substance listed in Annex XIV.
Articles and restrictions - article 68(2)

- For a substance (...) **in an article** which meets the criteria for classification in the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity, category 1A or 1B, and could be used by consumers

- Commission can propose a restriction which is adopted through comitology (regulatory procedure with scrutiny).
The 0.1% threshold is an element in
- Notification of SVHC in articles
- Obligation to provide information on SVHC in articles.

**Commission Line**
- Objects which at a certain step in their life-cycle meet the definition of article under REACH cease to be individual articles and become components once they are assembled into another article
- Example: wheel with hub cup
- The obligations in Article 7(2) and 33 apply only with respect to such assembled article, and not with respect to its individual components.
Ways forward

- REACH Review: outcome 1 June 2012
- Mandated by REACH and will examine several fields
  - Among them gaps (and overlaps) in coverage -> REACH scope review
  - We look how reach relates to other consumer articles - synergies
Thank you for your attention!

**Useful links**

CHEMICALS ON DG ENV  

REACH REVIEW 2012  

Guidance on SiA (ECHA)  

Candidate list of SVHCs  