

# Chemicals in articles and the REACH Regulation

**ANEC-ASI CC-BEUC Event on hazardous chemicals in consumer  
articles**

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**Julien de Cruz**

**Unit D3 Chemicals, Biocides and Nanomaterials**



# 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

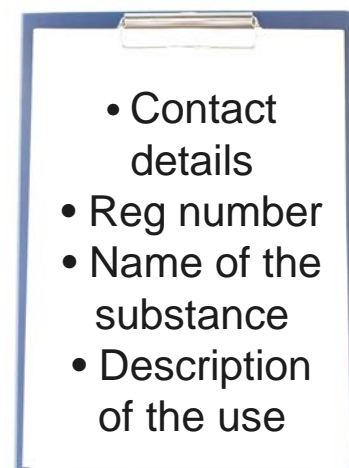
→ The Agency has grounds for suspecting:

- 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.

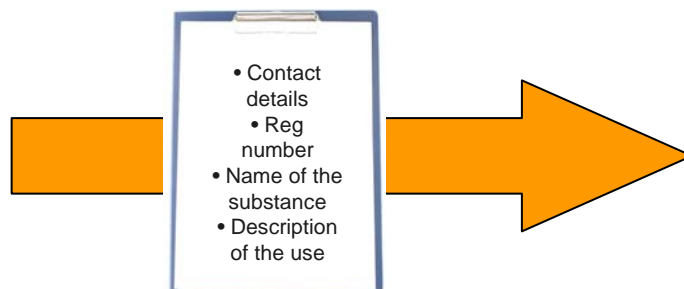
# Notification of SiA

- **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.



# 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)**



# 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).

# 0.1% interpretation: the Commission's line



- **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

- [http://ec.europa.eu/environment/chemicals/reach/review\\_2012\\_en.htm](http://ec.europa.eu/environment/chemicals/reach/review_2012_en.htm)

# Thank you for your attention!

## Useful links

CHEMICALS ON DG ENV

<http://ec.europa.eu/environment/chemicals/index.htm>

REACH REVIEW 2012

[http://ec.europa.eu/environment/chemicals/reach/review\\_2012\\_en.htm](http://ec.europa.eu/environment/chemicals/reach/review_2012_en.htm)

Guidance on SiA (ECHA)

[http://guidance.echa.europa.eu/docs/guidance\\_document/articles\\_en.pdf](http://guidance.echa.europa.eu/docs/guidance_document/articles_en.pdf)

Candidate list of SVHCs

[http://echa.europa.eu/chem\\_data/authorisation\\_process/candidate\\_list\\_table\\_en.asp](http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp)

