

REACH E-NEWSLETTER

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- ▶ **BANNED CHEMICALS FOUND IN CHRISTMAS LIGHTS**
 - ▶ **BSI SECURES MEMBERSHIP OF CEN AND CENELEC TO MAINTAIN STANDARDS DEVELOPMENT**
 - ▶ **DATABASE ON SVHCs IN ARTICLES**
 - ▶ **INSPECTORS PREPARE FOR EU-WIDE CONTROL OF CHEMICALS SOLD ONLINE**
 - ▶ **DEADLINE FOR NOTIFICATION OF 10 SUBSTANCES IN ARTICLES CLOSES**
 - ▶ **ECHA SYSTEMS UPDATE**
 - ▶ **REACH REGISTRATION STATISTICS**
 - ▶ **UK/ECHA 'COOPERATION' INCLUDED IN DRAFT BREXIT POLITICAL DECLARATION**

SGS

WELCOME

Dear Reader,

The UK REACH e-bulletin brings you key issues relating to the EU REACH (Registration Evaluation and Restriction of Chemicals) regulation.

We bring information on proposed changes, confirmed changes and the possible effects of these changes from a manufacturing, retail and consumer perspective. Opinions from all concerned parties are reported so a full picture of the workings and effects of the regulation are shared.

The information in the following pages is sourced from European Chemicals Agency (ECHA) and government sources (HSE, DEFRA etc.). Each of our articles are linked back to source for further reading.

CONTENTS

Banned chemicals found in Christmas lights.....	3
BSI secures membership of CEN and CENELEC to maintain standards development	3
Database on SVHCs in articles.....	4
Inspectors prepare for EU-wide control of chemicals sold online	4
Deadline for Notification of 10 substances in articles closes	5
ECHA systems update	6
REACH registration statistics	6
UK/ECHA 'cooperation' included in draft Brexit political declaration	7

BANNED CHEMICALS FOUND IN CHRISTMAS LIGHTS

In the Swedish Chemicals Agency's (Kemi) latest supervisory project on electrical products, part of the project has focused on Christmas lights. The supervisory report published recently shows that 14 out of 96 electric Christmas products contained unauthorised levels of one or more of the substances lead, cadmium, SCCPs and the flame retardant HBCDD. The products containing prohibited substances included an electric candlestick, Christmas tree lighting and electric ornamental plants.

"It is the company's responsibility for ensuring that their goods are safe and do not contain prohibited substances. Companies that import, for example, Christmas lights can contribute to a non-toxic Christmas – and a non-toxic everyday life all year round – by setting clear chemicals requirements on their suppliers, says Mariana Pilenvik of Kemi.

In addition to the prohibited substances, six Christmas lights were found with over 0.1% of dangerous substances that

are not banned but are included on the EU candidate list. This is in most cases substances in the phthalate group that are used to make plastic soft. When substances are on the EU candidate list, it means that companies are required by law to inform professional customers about the content of dangerous substances in the articles. Individuals have the right to know if the information contains substances on the candidate list. Some of the electrical Christmas products with banned substances also included substances on the candidate list.

In the second part of the Tillsynsprojektet on electrical products, the Swedish Chemicals Agency investigated 24 personal care products. Two of the products, a massager and a manicure sets, were found to contain lead in prohibited concentrations.

After examination by the Swedish Chemicals Agency, the companies have stopped selling the products that contained high levels of prohibited substances.

Under this supervisory project, the



Swedish Chemicals Agency has notified or will report nine companies to prosecutors for suspected environmental crimes. All companies reported to prosecutors had sold Christmas lights or other electric Christmas decorations.

Source: Kemi

BSI SECURES MEMBERSHIP OF CEN AND CENELEC TO MAINTAIN STANDARDS DEVELOPMENT

On 23 November, the General Assemblies of the European Standards Organizations CEN and CENELEC approved a plan that secures BSI's full membership post-Brexit.

The decisions, taken separately in both organisations, will enable UK industry and other stakeholders to continue their important work shaping and maintaining best practice standards used across Europe and internationally. They also mean that UK experts will continue as chairs, convenors, committee members and policy experts to work on maintaining and developing the 20,000 European standards that are managed by CEN and CENELEC. Standards users in the UK can continue to be confident that these standards will meet their needs as they will be influenced, as now, by UK stakeholders.

UK manufacturers, service providers, trade associations, consumer bodies and others have been clear and consistent in their message that they want to continue to work within the European standards system and that the continued

membership of BSI in CEN and CENELEC is therefore critical. UK membership of CEN and CENELEC provides influence over market access conditions in 33 other European countries. In addition, CEN and CENELEC members play a vital role in the international standards system through ISO and IEC. Influencing international standards is crucial in ensuring the future global competitiveness of the UK.

The support of government for maintaining the UK position within the European standards system has been vital to secure this outcome. Government support for BSI's position was confirmed by the Secretary of State for Business, Greg Clark in June and in the July 2018 Brexit White Paper, and is reflected in the Withdrawal Act and 'no deal' technical notices. The latest version of the political declaration on the future relationship between the UK and the EU also stresses alignment on technical barriers to trade issues, including standards.

CEN and CENELEC members supported proposals to facilitate BSI's continuation as a full member and recognised that



although there is an important link between their work and European and national regulation, pan-European technical cooperation in the development and maintenance of standards is primarily a market-led activity. The General Assemblies agreed a transition period for their statutes until the end of 2020, including a derogation for BSI from certain eligibility clauses, during which time BSI will undergo an independent review of its processes and both CEN and CENELEC will agree any necessary revisions to their statutes. The situation will be monitored closely through this period.

Source: BSI Group

DATABASE ON SVHCs IN ARTICLES

ECHA has published information on its forthcoming database on articles containing substances of very high concern (SVHCs).

The aim of the resource, stipulated under the revised Waste Framework Directive, is to support the circular economy by facilitating effective recycling and reuse of materials through greater knowledge of the hazardous substance content of articles.

The ECHA database will contain information on articles containing Candidate List substances, in quantities of more than 0.1% of their weight. The requirement is not subject to any volume threshold, and is also likely to apply where the component (article) of a complex article (e.g., computer) contains a Candidate List substance in concentrations above 0.1%. For example, where a computer contains a component with a Candidate List substance, the concentration must be calculated on the basis of the weight of the component and not of the computer. The new notification requirement should



not apply to the import or supply of waste as the REACH Regulation states that waste is not an article.

The new requirement is in addition to the notification, supply of information and prior authorisation requirements that the EU REACH Regulation already imposes on Candidate List substances.

Companies who supply such articles – either produced in the EU or imported

– will need to submit company data, Candidate List substance data, the article description and safe use instructions of the article to ECHA.

According to the revised Waste Framework Directive, ECHA has to establish a database by 5 January 2020, while duty holders will have to submit information to it as from 5 January 2021.

Source: [ECHA](#)

INSPECTORS PREPARE FOR EU-WIDE CONTROL OF CHEMICALS SOLD ONLINE

The Enforcement Forum and its Biocidal Product Regulation Subgroup (BPRS) kicked off preparations for a coordinated project where inspectors will control the chemicals sold online in all EU and EEA countries. They also discussed the quality of safety data sheets (SDSs) with stakeholder organisations in an open session.

The Forum and the BPRS meeting in November started to prepare for the REACH-EN-Force-8 (REF-8) project, which will target chemicals sold online. The project will cover duties under REACH restriction, classification, labelling and packaging as well as BPR duties relevant to biocidal products sold online. Preparations will run through 2019, where inspectors will identify common methods of targeting goods online and dealing with internet duty holders. Inspections will be carried out during 2020 and the report is expected in 2021.



Several other aspects were on the agenda during the meeting, with one day allocated for an open session with 17 stakeholder organisations. During the open session, Forum and the stakeholders discussed possibilities for improving the quality of safety data sheets (SDSs) as well as a number of issues ranging from ways in which downstream users (DUs) address differences between exposure scenarios

sent by suppliers to management of tanks for biocidal active substances.

The Forum also adopted its work programme for 2019–2023 during the meeting. It clearly lists the enforcement priorities for the coming years for all pieces of legislation under the remit of the Forum and BPRS. The work programme will be published by the end of 2018.

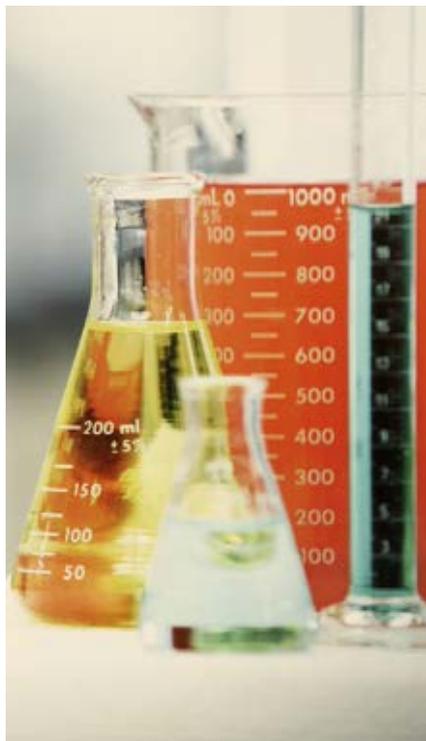
Source: [ECHA](#)

DEADLINE FOR NOTIFICATION OF 10 SUBSTANCES IN ARTICLES CLOSES

Producers and importers have to notify to ECHA the substances listed on the Candidate List which are present in their articles, if both the following conditions are met:

- The substance is present in their relevant articles above a concentration of 0.1% weight by weight.
- The substance is present in these relevant articles in quantities totalling over one tonne per year.

Companies have to notify no later than six months after the inclusion of the substance in the Candidate List.



ECHA says the deadline for submitting substance in articles notifications for ten SVHCs is 27 December. These were added to the candidate list in June. The substances, and where they can be found (not exhaustive), are:

SVHC NAME	POTENTIAL USAGE
Octamethylcyclotetrasiloxane (D4)	in flooring, furniture, toys, construction materials, curtains, footwear, leather products and electronic equipment, and in products with paper-based material (for example, tissues, feminine hygiene products, nappies, books, magazines, wallpaper);
Decamethylcyclopentasiloxane (D5)	in tyres, treated wooden products, treated textile and fabric, and brake pads in trucks or cars;
Dodecamethylcyclohexasiloxane (D6)	in articles produced from polysiloxane polymers and resins (used, for example, in construction, aerospace and automotive sectors);
Ethylenediamine	in adhesives and sealants, coating products, fillers, putties, plasters and modelling clay;
Terphenyl hydrogenated	in coatings and inks, adhesives and sealants and plastic articles
Lead	in batteries, lead sheets, hot-dip galvanised steel, lead solder, lead ammunition (non-military), cable sheathing and metal articles
Disodium octaborate	in frits, cellulose insulation and construction materials, flux mixtures and refractory mixtures (including stone, plaster, cement, glass and ceramic articles, and wood articles);
Benzo[ghi]perylene	in vulcanising agents, adhesives, binding agents and conductive agents. It is not registered under REACH
Benzene-1,2,4-tricarboxylic acid 1,2 anhydride (trimellitic anhydride) (TMA)	in plastisol, PVC, rubber and plastic articles
Dicyclohexyl phthalate (DCHP)	

EXEMPTIONS

There are two cases when a notification will not be required:

- The producer or importer of an article can exclude the exposure of humans and the environment to the substance during normal or reasonably foreseeable conditions of use of the article, including its disposal. In these cases, the producers and importers will give appropriate instructions to the recipient of the article.
- The substance has already been registered by a manufacturer or importer in the EU for that use.

Source: [ECHA](#)

ECHA SYSTEMS UPDATE

ECHA have announced that due to development work, which takes place between October and December 2018, ECHA will not publish any new data from REACH registrations. They will resume the regular updates of our registered substances database in January 2019, and publish the non-confidential data retrospectively from dossiers which were submitted or updated between October and December 2018.

Source: [ECHA](#)



REACH REGISTRATION STATISTICS

ECHA have produced an interactive infographic shows statistical data about the registrations received from the 28 EU Member States and from the European Economic Area countries Norway, Iceland and Liechtenstein.

You can find:

- the number of unique substances registered, their registration type (full or intermediate), the substance type (existing or new substance) and the approximate total tonnage on the EU/EEA market;
- the number of registrations, their type (full or intermediate) and role of the company that submitted the registration (manufacturer, importer, etc.);
- the most commonly registered chemicals;
- all of the information mentioned above, filtered by individual EU/EEA country and by year, month or week;

- the number of unique companies that have registered chemicals, their company size and role in the supply chain.

The data is presented through an interactive map. You can access the more detailed information by clicking on a country. There is also the possibility to display the data in graphs and tables, and to compare data between two EU/EEA countries.

UK REGISTRATION STATISTICS

NO. OF UK REGISTRATIONS

- 12,449 (13% of total)

REGISTRATION TYPE

- Full registration: 89%
- Intermediate use registration: 11%



SUBSTANCES REGISTERED:

- 5,749 (26%)

COMPANIES REGISTERING

- 1,773 (12%)
- 30% are importers
- 47% are only representatives
- 17% are manufacturers
- 5% are manufacturers and importers

Source: [ECHA](#)

UK/ECHA 'COOPERATION' INCLUDED IN DRAFT BREXIT POLITICAL DECLARATION

A commitment for Britain and the EU to explore the possibility of "cooperation" between UK authorities and ECHA has been included in the draft Brexit political declaration.

Agreed in principle on 22 November, the declaration sets out the framework for a future relationship between the two sides and will guide negotiations following the UK's departure.

In a joint statement, Cefic and the UK's Chemical Industries Association (CIA) welcomed the news and said the political declaration "continues to keep alive a successful resolution" to industry concerns.

"Given this commitment, chemical businesses in the EU27 and the UK will be working with negotiators to ensure the UK's continued participation in the ECHA."

NGO CHEM Trust also welcomed the draft declaration. There are "clear benefits" to both the EU and the UK of the UK remaining within the REACH system, including protection of human health and the environment, preventing damaging deregulation and facilitating trade, it said.

"However, there is more work to be done to develop the vague language into solid commitments, and to agree which chemical-related laws the UK will need to remain aligned."

The parties will also explore the possibility of cooperation of United Kingdom authorities with Union agencies such as the European Medicines Agency (EMA), the European Chemicals Agency (ECHA), and the European Aviation Safety Agency (EASA).

Source: *Council of the European Union*



WHY SGS?

SGS is the world's leading inspection, verification, testing and certification company. SGS is recognised as the global benchmark for quality and integrity. With more than 95,000 employees, SGS operates a network of over 2,400 offices and laboratories around the world.

Enhancing processes, systems and skills is fundamental to your ongoing success and sustained growth. We enable you to continuously improve, transforming your services and value chain by increasing performance, managing risks, better meeting stakeholder requirements and managing sustainability.

With a global presence, we have a history of successfully executing large-scale, complex international projects. Our people speak the language and understand the culture of the local market and operate in a consistent, reliable and effective manner.

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WHEN YOU NEED TO BE SURE

