

REACH¹ Registration, Evaluation and Authorisation of Chemicals

SIMPLE SUMMARY FOR EU PRODUCER/IMPORTER OF PRODUCTS (vs. CHEMICALS)

1. **REGISTRATION** of chemical substance in Products (“articles”) *if both conditions apply*:
 - a. Substance is **intended to be released** under normal or reasonably foreseeable conditions
 - i. Examples: ballpoint pens, markers, scented candles. At issue: overdyed jeans *intended* to fade out in wash
 - ii. Note: Cosmetics, lamp oils, inks and similar combinations of substances are considered “preparations,” not products or “articles” and covered under different REACH article (Art 6).
 - b. Substance is **present in quantities totaling over 1 tonne** per producer or importer per year (calculate tonnage over *all* items produced/imported by the company)
2. **“PRE-REGISTRATION” of chemicals released in products** must be filed in order to take advantage of phase-in periods for formal Registration:
 - a. Must occur by 1 Dec 2008. If miss deadline, formal Registration must be done within 12 months OR must keep product off market.
3. **ORGANIZE with other potential registrants** of same chemical for same use
 - a. Only one registration per chemical per use permitted, so producers/importers of chemicals must meet to share information and costs. (Each company obliged to register but based on shared data file.)
 - b. Note: Producers/importers of articles do not register substances if already registered for specific use.
4. **NOTIFICATION to Chemical Agency of “Substances of Very High Concern” (SVHC)** in products if:
 - a. Identified on official list to be published, including:
 - i. Carcinogen, mutagen, toxic to reproduction (CMR); persistent, bioaccumulative & toxic (PBT); or substances with probable serious effects to human health or environment
 - b. Substance must be **present above concentration of 0.1%** by weight
 - c. Chemical must be **present in quantities totaling over 1 tonne** per producer or importer per year (calculated over all products)
5. **PROVIDE “SAFE USE” INFORMATION on SVHC’s to consumers**:
 - a. Upon request & within 45 days, consumer must be provided with sufficient information, available to supplier, to allow safe use. Duty begins when SVHC Candidate List published (estimated 2009).
 - b. Applies regardless of need to “Notify” the chemical based on tonnage.
6. **FAILURE TO REGISTER OR NOTIFY**:
 - a. REACH is EU Regulation, not Directive. Hence text must be adopted as is without member states adaptation.
 - b. Member states set penalties for violations. Failure to pre-register, for applicable products, means product denied entry. NGO’s will be policing compliance to provisions such as response to safe-use information requests for presence of SVHC in products.
7. **Timelines**
 - 1 June 2007**: REACH Regulation enters into force (effective date).
 - 1 June - 30 November 2008**: Pre-register chemicals intended to be released from products.
 - 1 February 2009**: Meetings with other potential registrants to share data, determine who does Registration
 - 1 December 2010**: Registration deadline for most dangerous substances and others at high volumes (>1000 tonnes/year)
 - 1 June 2011**: Notification of Substances of Very High Concern
 - 1 June 2013**: Registration deadline for substances > 100 tonnes/year
 - 1 June 2018**: Registration deadline for substances > 1 tonne/year

¹ REACH: Regulation (EC) 1907/2006. Chemicals in products (“articles”) covered in Article 7.