

# **A GUIDANCE NOTE FROM THE UK CHEMICALS STAKEHOLDER FORUM**

## **REACH Substance Registration 2018 deadline**

**Do you manufacture or import components, parts or finished products in the EU?**

**Version 1, 27 April 2017**

Businesses across the world are finding that they need to comply with an EU law known as [REACH](#), which came into effect in 2007. It aims to minimise the harmful effects to people and the environment from chemicals in products placed on the EU market. Its motives are clear but as many companies have discovered, finding out what is in the ingredients or components that they use can be challenging.

You may think that you don't use chemicals or expose your customers to them - you just make or assemble finished products - but you may need to think again, as many everyday objects contain chemical substances or mixtures.

The short list of questions below will help you to understand if you may need to do more in order to safeguard your business. Answering 'yes' to some of these does not necessarily mean you have obligations under the regulations - you may be exempt or ineligible for a number of reasons - but you should seek further advice and check against the official guidance whether you need to comply with any of the rules of REACH.

Be aware that the clock is ticking. Companies that manufacture or import chemical substances between 1 tonne and 100 tonnes per year into the EU/EEA must register these for use in specified applications with the European Chemical Agency (ECHA) by 31 May 2018 in order to keep their substances on the market. After this date, there may still be steps supply chains can take depending on specific circumstances but they may involve greater business risk.

What happens if substances you depend upon are not registered? Ultimately, you may find that you can no longer produce your articles legally or that parts and products you rely upon have unexpectedly changed or are no longer available. The impact of this can range from inconvenience and some unplanned costs to loss of business-critical products.

In addition to ensuring substances you depend upon have been registered, you may have some communication obligations towards your supply chain and you may also find that your customers start to ask questions, for instance about whether your products contain 'substances of very high concern' (SVHCs). Consumers have a right to request information about the presence of SVHCs in an article. A supplier will have just 45 days to find the answer and report to them or face the threat of adverse publicity and even sanctions.

## **STARTER QUESTIONS**

### **1. Are you the right person to read this?**

Are you responsible for regulatory compliance and/or environmental, health and safety for your company? If so, read on, if not please forward the following questions to the appropriate person in your company.

### **2. Do you know everything you manufacture or import?**

Do you manufacture or import components, parts or finished products in the EU? If so, you need to access - or create - an inventory of these to be able to answer the questions below.

*(If you are directly using substances or mixtures, eg. companies that manufacture injection moulded plastic components, then you may have different duties as a formulator under REACH. There is useful simplified guidance for users of low volume chemicals on the UK Chemicals Stakeholder Forum [website](#) as part of an information package on the REACH 2018 deadline).*

### **3. Could you have products that meet the very specific definition of 'articles' under REACH?**

Systematically reviewing this inventory, could any of these meet the REACH definition of 'articles with intended release of substances under normal and foreseeable conditions of use'? Examples include moisturising tights and scented toys. The rules are complex, so you will need to refer to the relevant [guidance](#) (also see below).

### **4. Do these contain substances that you need to do anything about?**

For all the articles manufactured or imported does the quantity of any one of the identified substances under question 3 amount to 1 tonne or more per year for your company? If yes, you may be required to register these substances under certain circumstances.

### **5. Do you use any substances of very high concern?**

Are the substances contained in any of the products you manufacture or import featured on the [REACH Candidate List](#)? This is a growing list of substances that have been assessed by regulators across the EU and are considered to be of 'very high concern'. The list is updated every six months as new assessments are carried out. Suppliers of articles containing SVHCs above 0.1% weight/weight (w/w) have to provide safety information down the supply chain. Manufacturers and importers of articles will also have to notify ECHA if a Candidate List substance is present in the articles above 0.1% w/w and the quantity of the substance totals 1 tonne or more per year.

### **6. What about the packaging you use?**

Do not forget the packaging that comes with products that you make - this is considered to be a separate article. Is it possible that any packaging comes under the remit of REACH, for instance for SVHC communication requirements?

### **7. Does your product contain any restricted substances?**

Certain hazardous chemicals are restricted in how you are allowed to use them. These are listed in [REACH Annex XVII](#). You will need to know what is in your product to be able to check. Again, this list is constantly updated.

If the answer is 'yes' to all or any of these questions then you may /will have obligations under REACH. You should contact the relevant trade association for your sector. Even if you are not a member, they should be able to point you in the right direction for further advice.

## Some useful resources for further information

### Official

#### UK HSE

- [UK Health and Safety Executive Guidance on 'Substances in Articles'](#)
- [UK Health and Safety Executive Guidance on 'Substances of Very High Concern \(SVHCs\)'](#)
- [UK Health and Safety Executive Guidance on 'What REACH means for users of chemicals'](#)
- [UK Health and Safety Executive Guidance on 'Creating an inventory for Downstream Users'](#)

#### European Chemicals Agency

- [Substances in Articles in a Nutshell - official guidance from European Chemicals Agency](#)
- [Full guidance on Substances in Articles from the European Chemicals Agency](#)

#### Other

- [Irish Health and Safety Authority information leaflet on 'REACH – Production, Import and Supply of Articles'](#)

### A few examples of sector-specific guidance

#### Automotive

- [Automotive Industry Guide on REACH \(Flowchart 0; Chapters 5.7, 5.8, 5.9\)](#)

#### Toys

- [Toy Industries of Europe guide to the Candidate List](#)

#### Electronics

- [Practical Guide for downstream users, article producers and article importers to understanding Regulation n° 1907/2006 on the Registration, Evaluation, Authorisation of Chemicals \(REACH\) - May 2007, Last update October 2009](#)
- [Orgalime Guide to how to comply with REACH Article 33](#)

#### Materials Finishing

- Institute of Materials Finishing guide: "[How do you know if your article contains a substance intended to be released?](#)"

*This self-assessment questionnaire was drafted by a sub-Group of the UK Chemicals Stakeholder Forum comprising: Silvia Segna (Chemical Industries Association) (Chair), Susanne Baker (Tech UK), Michael Cooper (CBA), Ellen Daniels (BCF), Finella Elliott (EEF), Helen Middleton (ADS), Mamta Patel (Chemical Watch), Steve Quinn (West and Senior Ltd), David Sidgwick (ADS), Wayne Smith (BCF), Katy Taylor (Cruelty Free International). Non-Forum members - Keith Bailey (Defra), Ruth Coward (Defra), Patrice Mongelard (Defra), Jane Kirk (HSE), James Lloyd (HSE) and Andrew Smith (HSE) - also contributed to this work.*

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