

To whom it may concern,

Information about the project “Assessment of alternative applications of the 0.1 % w/w limit in REACH for providing information on Substances of Very High Concern (SVHC) in articles”

Ökopol GmbH/Öko-institut e.V., Germany, is contracted as consultants to perform this project concerning the implications of information provisions for articles under REACH. The consultants are to seek cooperation with industry with a view to analyse various impacts of applying REACH's 0.1% w/w information triggering limit on Substances of Very High Concern (SVHC) to whole complex articles versus their individual parts.

The ultimate aim for the study is to find an interpretation of the limit that is workable for industry, legally correct, and has less impact on information dissemination, competition, and enforceability. The main benefits for industry from this would be avoidance of a non-harmonised implementation in EU of the information provisions, better availability to crucial - also economically - information from suppliers, and avoidance of competitive injustices.

We are aware of that the European Chemicals Agency (ECHA) is currently launching a project with the aim to review the Guidance on requirements for substances in articles. The review will look into a number of other aspects, but also into the workability and practicalities of the 0.1% limit. Also ECHA will use a consultant to gather a better information basis for the review. ECHA's consultant study will run in parallel with this study, and the studies can be expected to largely complement each other with respect to choice of article categories and related supply chains. Contacts have been established in order to avoid duplications.

More about the project:

REACH (art 33 and 7.2) requires suppliers of articles to provide recipients and consumers (on request) with information on SVHCs in the articles, and to notify ECHA on the contents. This is valid only to SVHCs listed on the Candidate list (first published on 28 October 2008; <http://echa.europa.eu/>). Further SVHCs will gradually be added to the list.

The requirements are triggered by a 0.1% w/w limit. According to the interpretation given in the current ECHA Guidance on substances in articles, the limit in case of complex articles shall be applied on the whole complex article as sold and not e.g. on parts that may constitute articles themselves.

Six Member States – Austria, Belgium, Denmark, France, Germany and Sweden – did not agree to the publishing of the Guidance with respect to this interpretation, and thus their dissenting views have been published together with the Guidance. Their view is that the current interpretation may lead to loss of information for complex articles used by consumers, distortion of competition in the case of imported articles, and in problems for enforcement. It should be noted that it is the responsibility of the individual Member States to enforce EU provisions, and that a different interpretation by Member States of a provision may also lead to a different application. This project was launched, by the competent authorities for REACH in the six Member States and Finland and Norway. Representatives from all eight take part in a reference group for this project.

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