

Notifying Candidate list SVHCs in articles

Introduction

Since 1 June 2011 a new REACH obligation has applied affecting many suppliers of articles such as finished goods, spare parts and components. Importers and producers of articles containing Candidate List substances present above 0.1% by weight (w/w) may need to submit a notification dossier to the European Chemicals Agency, ECHA. To help you understand the new duty we have prepared this Briefing Note, which explains what is needed and when it must be done.

The Candidate List

The Candidate List identifies selected substances of very high concern (SVHCs) that are regarded as a priority for authorisation because of very serious and often irreversible effects to human health or the environment.

Substances that may be added to the Candidate List include those which are:

- Carcinogenic, Mutagenic or Toxic to Reproduction (CMR) classified in category 1A or 1B,
- Persistent, Bioaccumulative and Toxic (PBT) or very Persistent and very Bioaccumulative (vPvB) according to the criteria in Annex XIII to REACH, and/or
- Identified from scientific evidence as causing probable serious effects to humans or the environment of an equivalent level of concern, for example endocrine disrupters.

The Candidate list can be found at <https://echa.europa.eu/candidate-list-table>

Obligations for suppliers of articles

Inclusion of a substance in the Candidate List triggers obligations for importers, producers and suppliers of articles. Some of these duties apply immediately and others have a longer deadline for companies to meet.

Article 33: Immediate and 45-day duties

From the date of inclusion, suppliers of articles must communicate immediately to business customers information on Candidate List substances present in supplied articles above 0.1% w/w. The same information must also be provided to consumers within 45 days of receiving a request. These duties are set out in Article 33 of REACH.

This Briefing Note does not discuss the definition or scope of the term “article”. If you need more information on what constitutes an article, for example whether it means a sub-component or a fully assembled product, or on the requirements of Article 33, please contact our Helpdesk at enquiries@reachready.co.uk.

Article 7 (2): notification of SVHCs to ECHA

From 1 June 2011 the new SVHC notification obligation on importers and producers of articles containing Candidate List substances above 0.1% w/w began. The requirement to notify applies where the amount of the substance in their articles exceeds 1 tonne per year, but some exceptions apply, which we explore below.

Establishing your obligations

Do you have substances in your articles in scope of notification?

If the answer to **both** of the following questions is “yes” then you may have a notification duty:

- Do you import or produce articles containing > 0.1% w/w of a Candidate List substance?
- Is the amount of this substance in your articles above 1 tonne per year?

Do the exceptions apply?

If your answer to **either** of the following questions is “yes” then you may take advantage of the exceptions from the obligation in Article 7 (2):

- Has the substance already been registered for that use (not necessarily in your supply chain)?

The ECHA Dissemination Portal (<https://echa.europa.eu/information-on-chemicals/registered-substances>) may help you answer this question.

- During normal or reasonably foreseeable conditions of use including disposal can you exclude exposure of the substance to humans or the environment, and are appropriate instructions given to the recipient?

If relying on this exception, remember that you may be required to justify your position and that in most cases doing so is unlikely to be straightforward.

Timing of SVHC notification

From 1 June 2011, companies have 6 months from the date the substance is included in the Candidate List to submit a notification to ECHA. However, for substances added to the Candidate List before 1 December 2010 the notification was due no later than 1 June 2011. It is therefore essential to keep up to date with the new versions of the Candidate List as new substances are added.

Practicalities

Notifiers have two options on how to prepare the necessary information for ECHA

1. Preparing the notification online in REACH IT – this method is recommended for those that are not used to using IUCLID
2. Preparing and uploading a IUCLID dossier to REACH IT – this method is recommended for those that already use IUCLID and if you want to claim some of the notified information as confidential

You need an active ECHA account to be able to log into REACH IT, you can sign up here <https://idp-industry.echa.europa.eu/idp/>

There is no fee charged by ECHA for notification of SVHCs in articles.

Further help

If you need help to understand the implications of REACH for your business and to determine what you need to do to ensure that your business is compliant - then **REACHReady** is here to help. To get further help on REACH and what you need to do, contact us about our Gold subscription, simply emailing our Helpdesk at enquiries@reachready.co.uk or call us on +44 (0) 207 901 1444.