

Legal obligation for
importers and producers of articles
in the EU

Notification of Substances of Very High Concern (SVHC) in articles

Producers and importers of articles such as furniture, construction products and clothing must, under certain conditions, notify ECHA if any Candidate List substance (Substance of Very High Concern) is contained in their articles.

The Candidate List is a list of substances that have been officially identified in the EU as being of very high concern due to their hazardous properties in relation to the environment and/or human health.

Who needs to notify?

The notification is mandatory for producers and/or importers if both of the following conditions are met:

- the Candidate List substance is present in the articles they produce and/or import at a total of >1 tonne per producer/importer per year
- the substance is present in those articles above a concentration of 0.1% (weight by weight).



Source: iStockphoto

Can you be exempted from notification?

Companies are not obliged to submit a notification if:

- they can exclude exposure of humans and the environment during normal or reasonably foreseeable conditions of use, including disposal
- the substance is already registered for that use.

It might, however, prove more time consuming and/or costly to properly document exclusion of exposure or to find out if the use is already registered, than to prepare and submit the notification.

When to notify?

The notification of substances in articles should be made at the latest 6 months after the substance has been included on the Candidate List.

For substances included in the Candidate List before 1 December 2010, notifications have to be submitted not later than 1 June 2011. For substances included in the Candidate List after 1 December 2010, notifications have to be submitted no later than 6 months after the inclusion of the substance. The Candidate List is normally updated twice a year, in June and December.

Producers and importers are advised to update the notification if the information they have included has undergone changes. Examples of such changes could be: change in tonnage range, production/import of different articles containing the same SVHC (with e.g. different use) etc.

What you need to consider when notifying

Does my article contain a Candidate List substance?

There are different ways in which producers and importers can find out whether a substance included in the Candidate List is present in their article. In many cases, they can receive this information from actors in their supply chain. Chapter 5 of the Guidance on requirements for substances in articles can be consulted for more information.

How much of the Candidate List substance does my article contain?

Once producers and importers have established that their article contains a substance included in the Candidate List, the next issue they need to address is its concentration in the article to determine whether the threshold of 0.1% is reached. If the article has several different components, the concentration should be calculated in relation to the article as produced or imported. This means that if a car is

imported, the concentration in the whole car can be calculated. If a hubcap for a car is imported, it is the concentration in the hubcap that should be calculated.

Section 4.4 of the REACH guidance on requirements for substances in articles provides further explanation and some examples on how to proceed. If the total amount of the substance in the imported or produced articles (containing >0.1% of the substance) is >1 tonne per producer or importer per year, a notification should be submitted

What else do I need to know?

Other important information that needs to be included in the notification dossier is the type of article, the function of the substance in the article and a description of the use of the article.

How do you submit/make a notification?

The notification is made using the IUCLID software (version 5.3), which can be downloaded free of charge from the IUCLID 5 web page. It is then submitted via REACH-IT. The Data Submission Manual provides detailed and illustrative assistance to successfully carry out the notification.

To facilitate the submission of the information required to complete a notification, ECHA is making available pre-filled substance datasets in IUCLID 5.3 format for all substances on the Candidate List. These datasets contain the needed information on substance identification, composition and classification and labeling, and can be downloaded from the Candidate List webpage.

Further information

ECHA website

http://echa.europa.eu/reach/sia_en.asp

Data Submission Manual – Part 20: How to Prepare and Submit a Substance in Articles Notification using IUCLID 5

http://www.echa.europa.eu/doc/reachit/dsm20/dsm_20_v1.0_en.pdf

Candidate List

http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

Guidance on requirements for substances in articles

http://guidance.echa.europa.eu/public-2/getdoc.php?file=articles_en

The REACH regulation, see Article 7

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2007:136:SOM:EN:HTML>