

10 Years of REACH – Looking at the Future of Chemical Regulations for SMEs

UNLEASH
OPPORTUNITY

Our Speakers



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Candidate List Substances in Articles: the communication and notification duties of suppliers of articles

FTA Conference 2017 'Unleash
Opportunity'

*10 years of REACH: Looking at the
future of chemical regulations for SMEs*

14 June 2017

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Content

- Ensuring **safe use of articles** placed on the EU market – the role of REACH
- **Communication and notification duties** for Candidate List substances in articles
- **Draft updated *Guidance on requirements for substances in articles***
- Take away

Why ensuring safe use of articles?

- Growing consumer interest about hazardous substances in articles and their safety (e.g. “toxic-free”)
- Campaigns about safety of articles launched by NGOs & public authorities
- Increasing political attention
- Increasing demands for instructions for proper use and disposal (industry and consumers)
- Legal requirements (e.g. REACH): protection of human health and the environment
- Company/business image



How to ensure safe use of articles?

Collect information

Management of supply chain

- Knowledge about the substances in the articles, in particular Candidate List substances
 - Identification of potential risks

Substitution

Communicate information

(incl. recommendations)

Innovation

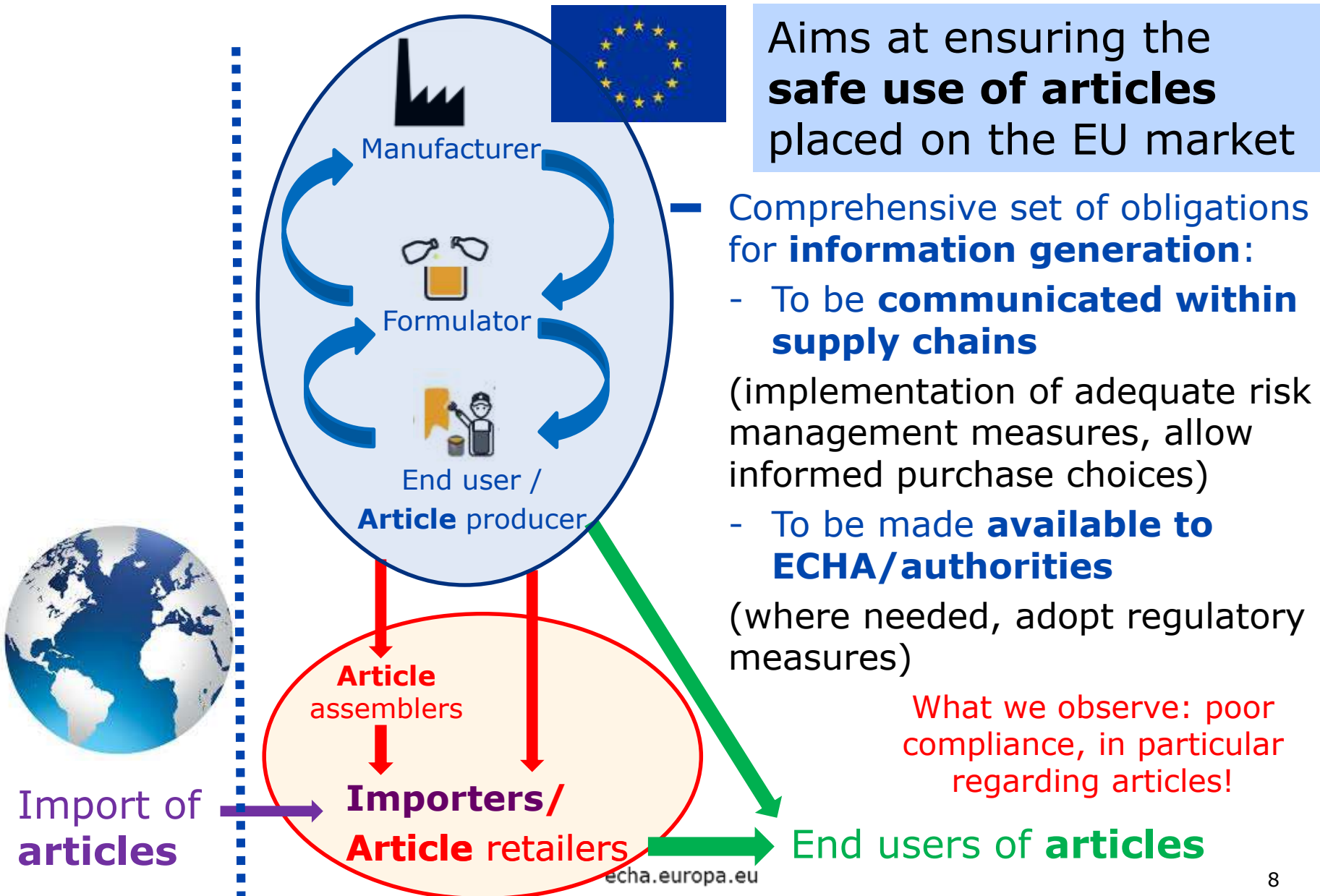
Business sustainability

Benefits of knowing about the substances in your articles

Ensures safe use of articles during their service-life and waste stage placed on the EU market

- Contributes to **business sustainability**:
 - **Increases compliance** with legal requirements
 - May **decrease crisis** [and reputational risks]
- May create **business opportunities** through
 - Informed purchase choices by costumers/consumers
 - Proactive substitution of hazardous substances in articles (marketing advantage; product stewardship; innovation)

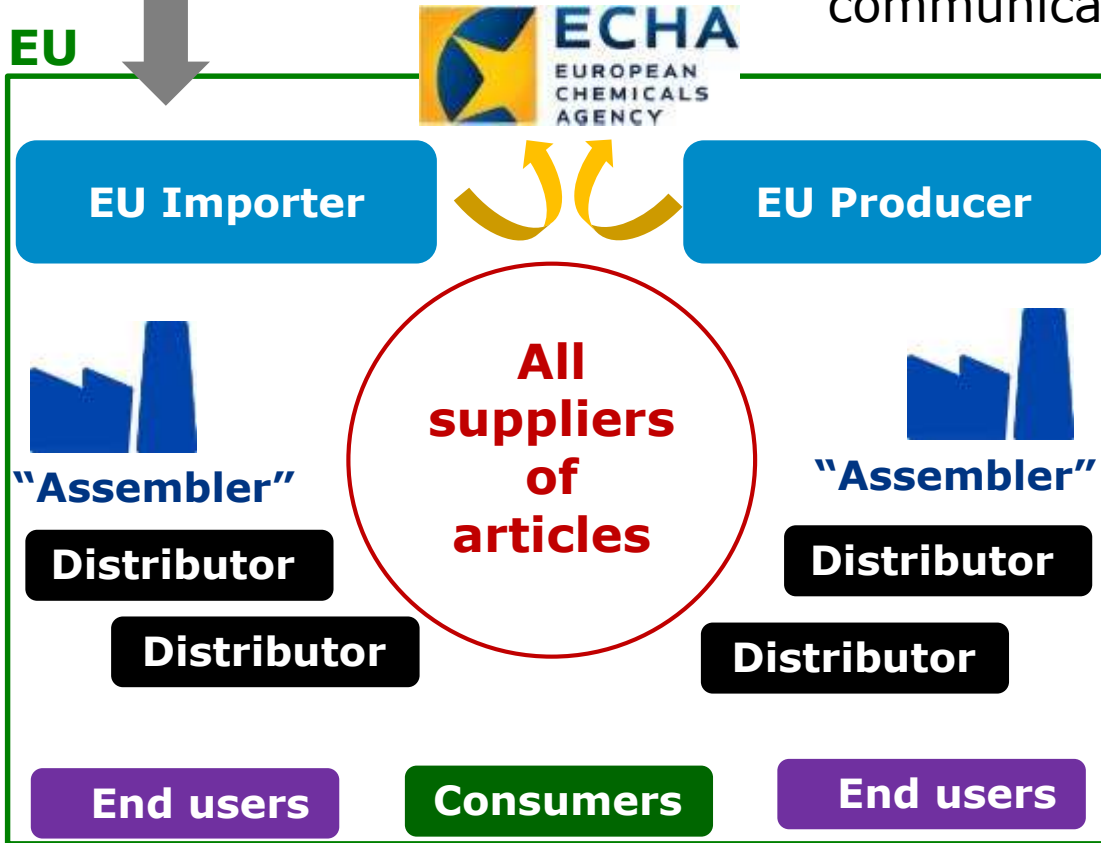
What does REACH foresee?



Overview of duties in the supply chain



- Collect enough information on your articles (traceability of raw materials and articles compositions)
- System or routines in place for an efficient communication

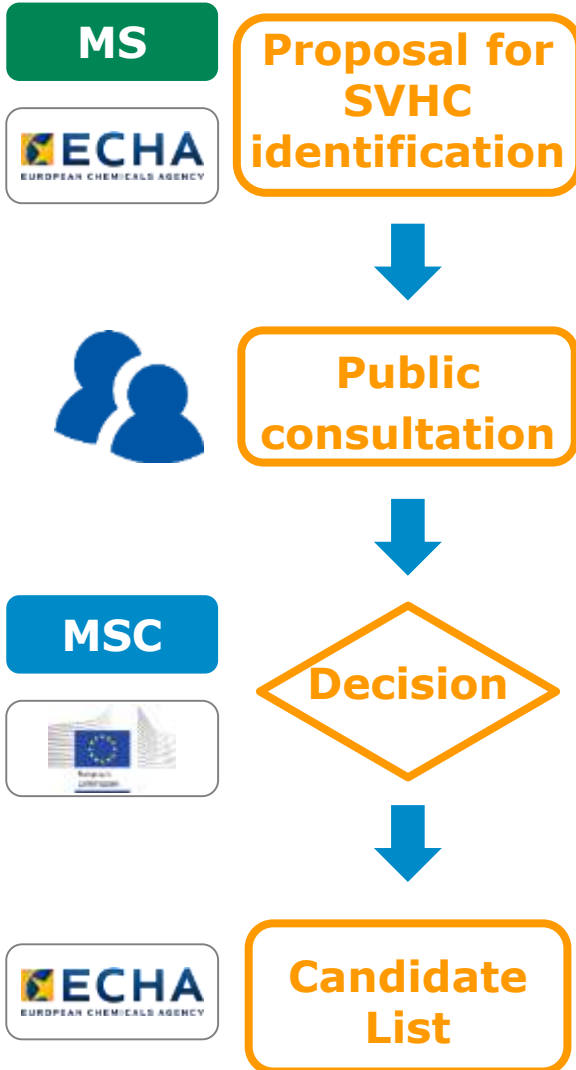


Notification of Candidate List substances in articles [Art. 7(2)]

Communication of information down the supply chain [Art. 33(1)]

Communication of information to consumers upon request [Art. 33(2)]

What are Candidate List substances?



- **Substances are included in the Candidate List** because they have been identified as **substances of very high concern (SVHCs)** due to their hazard properties (human health and/or environment)
- **The Candidate List is dynamic in nature:**
 - It is regularly updated when more substances are identified as SVHC

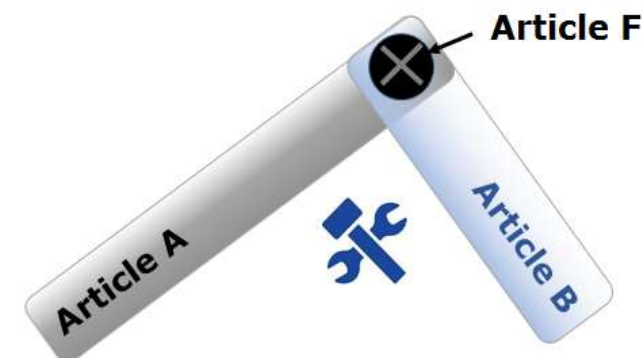
Available on ECHA's website:

<https://echa.europa.eu/candidate-list-table>

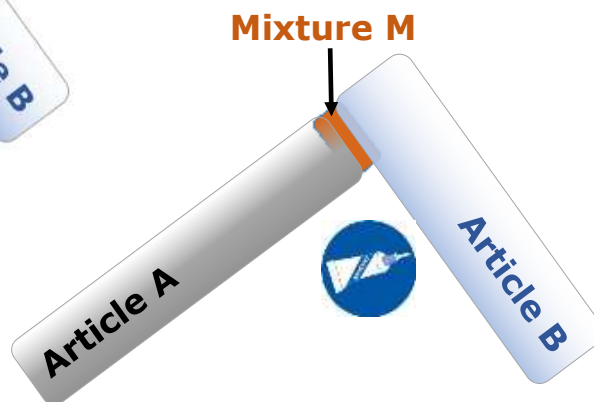
Conclusions of the Court's judgement

(Judgement of 10 September 2015, in case C-106/14)

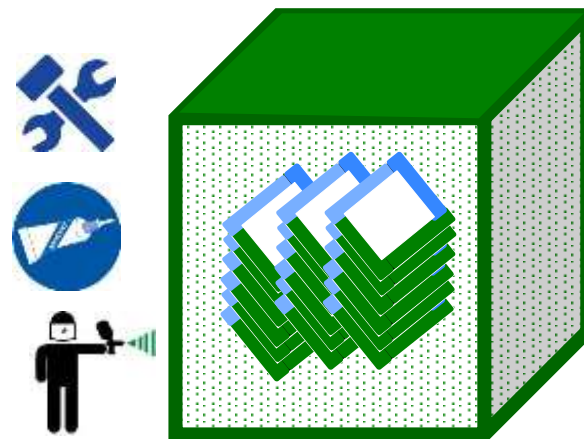
Notification and communication obligations regarding Candidate List substances in articles also **apply to articles that are present in complex objects**, i.e. objects composed of several articles



Articles mechanically assembled



Joining articles using substance/mixture



Very complex objects

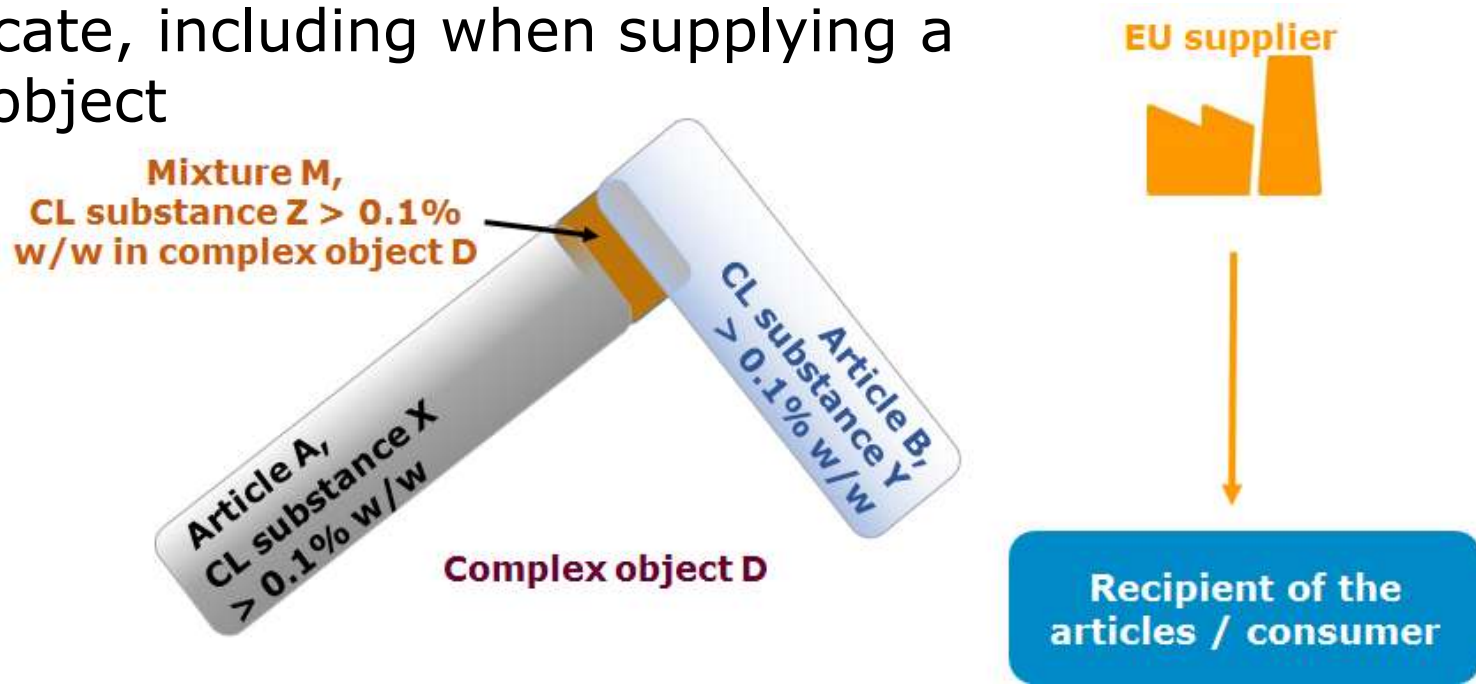
- Use the updated Guidance on requirements for substances in articles
 - Publication: July/August 2017 (tentative)
 - Translation: 2 to 3 months after final publication of EN version

(<https://echa.europa.eu/guidance-documents/guidance-on-reach>)
- The Guidance provides support:
 - To determine **who at the top of the EU supply chains** has the **responsibility to collate, generate and communicate** the relevant information
 - For the identification of notification obligations
 - On how to **apply the 0.1% w/w concentration threshold**
 - On how to apply the 1 t/a (tonnage) threshold (only relevant for the notification)



Draft updated Guidance (2)

- It explains what information you need to communicate, including when supplying a complex object



- It contains examples and hints for facilitating the fulfilment of the SiA requirements





- Familiarise yourself with the updated Guidance after being published (July/August 2017)
- Good supply chain communication leads to compliance and business sustainability:
 - Ensuring traceability of the substances in your articles
 - Use systems and tools that facilitate and streamline the communication and transfer of information
- Check regularly the Candidate List due to its dynamic nature
- Inclusion of a substance in the Candidate List is not a “ban”, however consider substitution of Candidate List substances in your articles
- **Don't be passive... be proactive!**



Thank you!

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Challenges for communication in the supply chain

Foreign Trade Association (FTA)

14 June 2017

Stéphane Content

Content

- Objectives
- Survey results
- Examples
- Principles of communication
- Features of communication
- Case study
- Conclusions and next steps

Objective of the project on Supply Chain Outreach

- Context:
 - ❖ Dynamic global regulatory environment
 - ❖ Public awareness and pressure
- Objective is to address:
 - ❖ Supply chain generating **lists to reduce or eliminate chemicals**
 - ❖ Downstream users **requesting information on product composition**
 - ❖ Safe use of chemicals based on science /risk

ICCA Survey on current market conditions

Communication on product formulation by the Chemical Industry

- > **90 % of respondents** receive requests from their customers to disclose ingredient information of products
- > **75 % of respondents** receive requests by third parties acting on behalf of their customers
- > **60 % of respondents** observe an increase in the volume of requests and complexity of questions

Examples of existing lists

[Philips Regulated Substance List](#)

[Apple Restricted Substances List](#)

[Nokia Restricted Substances List](#)

[Blackberry Restricted Substances List](#)

[Wincor Nixdorf Restricted Substances List](#)

[Microsoft Restricted Substance List](#)

[Panasonic Chemical Substances Management Rank Guidelines](#)

[Benettongroup Restricted Substances List](#)

[Levistrauss substances list](#)

[H&M Restricted Substances List](#)

Examples of questionnaires

Canon green procurement survey - Canon additional survey sheet (Supplementary survey 1 <Basic Information about Company> This is a survey sheet to use **secondarily** to confirm about ca

Reference number	20180314_002	Formal ver.	4.00
Date of Data Entry (yyyy/mm/dd)	3/14/2018		
Survey Type	SD		
Survey Category	Resin		
Select Language			
Facility code	803103		

You can choose a language to show in

Responder Information	English	Japanese
Company Name	Canon INC	キヤノン株式会社
EINEC Number		
Product: Chemical Substances Production Part	製品化学物質製造課	
Address: Factory	品川 (品川)	
Address: Office	83-3751-0834	
Address: Office	83-3758-8225	
E-mail Address	el-legal-external@canon.co.jp	
Message from responder		

Self-declaration form IOS-MAT-0010J Polymeric materials

Requirements	Type of polymeric materials	Fulfills	Not applicable
Table 2 - Confirmation of fulfillment of chemical requirements See IOS-MAT-0010 for specific information on each requirement			
Cadmium and its compounds	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CNR substances (cat. 1A or 1B) and SVHC	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous waste	Material that contains any proportion of recycled materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lead and its compounds	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alkylphenolethoxylates (APEO), AP-AP phosphites	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Azo dyes that may release carcinogenic arylamines	Materials to which colouring agents have been added*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bisphenol A	Plastic materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CFC (Chlorofluoro-carbons) and HCFC (hydrochloro-fluorocarbons)	Foamed plastic	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heavy metals (extractable)	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hexavalent chromium (Cr-VI) compounds	All*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Unburnt			
Mercury (Hg) and its compounds			
Organotin compounds			

EC-REACH (tab 2)

Alterations until 2016-06-30 and SVHC candidates list of 2016-06-20

REACH: <http://echa.europa.eu/regulations/reach>

SVHC list: <http://echa.europa.eu/candidate-list-table>

Regulated substances	CAS number	Cont. nr. in REACH	Restriction conditions; to see more text please press "Show extract"	Concentration [enter unit]	Example
Prohibited substances (P) EU-REACH Annex 17			Extract from Regulation (EC) No 1831/2003, Annex 17 (source text see www.eur-lex.europa.eu)		
1,1,2-trichloroethane	630-26-6	38	Without prejudice to the other parts of this Annex, the following shall apply to entries 32 to 38. 1. Shall not be placed on the market, or used.		
1,1,2-trichloroethane	78-34-5	35	Without prejudice to the other parts of this Annex, the following shall apply to entries 32 to 38. 1. Shall not be placed on the market, or used.		Solvent - Making - Clean
1,1,2-trichloroethane	78-00-5	34	Without prejudice to the other parts of this Annex, the following shall apply to entries 32 to 38. 1. Shall not be placed on the market, or used.		Solvent
1,1-Dichloroethylene	75-35-4	38	Without prejudice to the other parts of this Annex, the following shall apply to entries 32 to 38. 1. Shall not be placed on the market, or used.		Solvent
2-(2-butoxyethoxy)ethanol (DEGBE)	112-34-5	55	1. Shall not be placed on the market for the first time after 27 June 2010, for supply to the general public, as a constituent of spray paints or spray cleaners in aerosol dispensers in concentrations equal to or greater than 3 %.		Solvent
2-(2-methoxyethoxy)ethanol (DEOME)	111-77-3	54	1. Shall not be placed on the market after 27 June 2010, for supply to the general public, as a constituent of paints, paint strippers, cleaning agents, self-shining emulsions or floor sealants in concentrations equal to or greater than 3 %.		- active - compe
2-naphthylamine	84-58-8	62	1. Shall not be placed on the market, or used, as substances or in mixtures in concentrations greater than 0,1 % by weight.		interme
4-aminobiphenyl, xylaniline	62-67-1	65	1. Shall not be placed on the market, or used, as substances or in mixtures in concentrations greater than 0,1 % by weight.		Dyes
4-nitrophenyl	62-93-3	64	1. Shall not be placed on the market, or used, as substances or in mixtures in concentrations greater than 0,1 % by weight.		

Regulatory Information for Raw Materials

Section 1: Company and Product Information

Supplier Company Name: + Physical State: Solid Liquid Gas

Supplier Product Name/Number: + Flash Point: Enter Flash Point Choose "C" or "F"

Country of Manufacture: + Flash Point method: Enter F.P. method

Product-Tariff (HTS) Code: Enter Tariff Code

Are any of the components used to manufacture this product derived from: + Animal origin? Yes No
Grains? Yes No

Section 2: Composition Data

Please provide complete composition data for the product. Make sure that the composition adds up to 100%.

For any proprietary components, put "Proprietary" in the CASRN field or give INCI name. End of Product Section

ID#	Chemical Name (IUPAC, not trade name)	Type (Substance, Polymer, impurity)	CASRN	Target % Weight (w/w)
1.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
2.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
3.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
4.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
5.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
6.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>
7.	<input type="text"/>	<input type="checkbox"/> Substance <input type="checkbox"/> Polymer <input type="checkbox"/> Impurity	<input type="text"/>	<input type="text"/>

Workshops scope and targets: electronic sector

- Share possible solutions
- Forum for experience sharing and learning
- Agree on
 - Key principles (5)
 - Necessary features (8) of supply chain communication tools
- **NOT** intended to qualify, rank or judge existing tools



Geographical coverage

Frankfurt, 21-22 May 2016



Las Vegas, 7-8 January 2017



**Shanghai,
7-8 June 2017**



Principles

Proposal:

ICCA has prepared five key principles on supply chain communication

Objective:

Validate if those principles reflect the view of industry stakeholders during workshop discussions

Principle 1

Engaging in an open dialogue about companies' experiences in the use of supply chain communication tools regarding specific elements **will allow increasing benefits for all stakeholders along the supply chain**



Principle 2



**SAFETY
FIRST!**

All Information required for the safe handling and use of products has to be made available to the value chain

Principle 3

An international standard facilitates supply chain communication
e.g. IEC 62474 for electronic



Principle 4



Exchange of information should be **efficient**
with compatible and **secure processes**

Principle 5

In the spirit of **Responsible Care**, ICCA encourages proactive communication on attributes along the product lifecycle

- human health hazards
- exposures according to uses
- environmental impacts
- other sustainability considerations based on scientific data and risk assessment

Key features for communication along the supply chain

1. Degree of information disclosure
2. Management of supplier-customer relationship
3. Scope of product evaluations
4. IT security
5. User friendliness
6. Management of change
7. Transparency in terms of processes
8. Involvement of supply chain / Industry in the tool development process

GADSL (Global Automotive Declarable Substances List) Criteria

- The substance should be expected to be present in a material or part in the vehicle
- The substance is regulated, or is projected to be regulated by a governmental agency or authority
- It is demonstrated that the substance in a material or part in a vehicle may create a **significant risk** to **human health** and/or **the environment**
- A substance that causes a functional problem in vehicle design may be included if its presence in a vehicle part **exceeds** a level shown to be problematic by an international industry standard test

Electronic industry: standard IEC 62474

- The standard explains process requirements and criteria for a referenced material declaration database
- Standard uses existing ISO/IEC “database” process that enables routine updates to reflect changes

Criteria for declarable substances/substance groups

- Criteria 1: Currently Regulated (specific effective date)
- Criteria 2: For Assessment (current regulations with no specific effective date)
- Criteria 3: For information only – recognized industry-wide common market requirement

Conclusions and next steps

- Europe/US/Asia: reach out to electronic industry associations in the region
- Globally: validate the principles for other supply chains (e.g. automotive, apparel)

Interested?
Contact me
sco@cefic.be