

Whilst the UK has left the EU, the EU's legislation on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) still applies, with the UK's REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 and their amendments specifying this.

Many people are unaware of what this actually means and one client has recently been asking about the possibility of an implications of a substance they use being "banned" under REACH.

This white paper explains what REACH and SVHCs is basically about. It doesn't cover registration and importing.

What substances are of concern?

There are two lists:

The **Authorisation List** shows those substances which have been designated as being substances of very high concern (SVHC). At the time of writing this, there are 97 substances on this list.

The **Candidate List** shows those substances which have been identified as possibly being substances of very high concern (SVHC). At the time of writing this, there are 393 substances on this list.

Periodically the European Chemicals Agency (ECHA) meet and review:

- Substances that can be added to the Candidate List, and
- Substances where there are sufficient data to justify them from being transferred from the Candidate List to the Authorisation List.

The final decision on whether a substance is added to the Authorisation List is taken by the European Commission.

When a substance is added to the Authorisation List, there are 2 dates designated:

- The Latest Application Date
- The Sunset Date

The Latest Application Date is the date by which companies may make an application for them to continue to use the substance beyond its Sunset Date. For example, there are cases where a substance may be used because it is an essential part of a medical analysis process and an application was made and granted for this.

The Sunset Date is the date after which the substance must not be used.

What is an SVHC?

A substance may be identified as an SVHC if they are one or more of the following:

- Substances that are carcinogenic, mutagenic or toxic for reproduction (CMR category 1 or 2)
- Persistent, bioaccumulative and toxic substances (PBTs)
- Very persistent and very bioaccumulative substances (vPvB)
- Substances that are potential endocrine disruptors

Where can I find the Candidate List and the Authorisation List?

These are shown on the following web pages. These are not particularly friendly to view and I recommend downloading the Excel version from them which is more scrollable.

<https://echa.europa.eu/authorisation-list>

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

What are the timescales?

The timescales for a substance being entered on the Candidate List and the Sunset Date are variable. As a rule of thumb, it seems to be around 9 years. Examples are:

Substance	Dates		
	Added to Candidate List	Latest Application	Sunset
Bis (2-ethylhexyl) phthalate	20/10/2008	21/08/2013	21/02/2015
Anthracene oil	13/10/2010	04/04/2019	4/10/2023
Sodium peroxometaborate	16/06/2014	27/11/2021	27/05/2023

What do you have to do?

The lists are periodically updated so if you’ve got a substance which you think could be an SVHC, or if you clients are asking you for confirmation that you’re not supplying them with SVHCs, then I’d strongly recommend regularly checking the links shown above.

If you have a substance which has been entered onto the Candidate List then:

1. Review alternatives
2. Be capable of stating this to your clients
3. Prepare a case for application for continued use if you cannot use an alternative. That is beyond the scope of this white paper

If you have a substance which has been entered onto the Authorisation List then [1] and [2] still apply, but you need to make an application before the Latest Application Date for continued use if you cannot use an alternative.

What support is there?

There are many companies that can support the application process.

Strategic Safety Systems offers a service of:

- Continually reviewing the Candidate and Authorisation Lists on behalf of client companies who have concerns, and
- Preparing REACH statements for companies (even when the don’t have any SVHCs) where these have been requested by their clients.

Contact Strategic Safety Systems info@strategicsafety.co.uk

What are the links to legislation?

See UK legislation: <https://www.legislation.gov.uk/primary+secondary?title=REACH>

See EU legislation: <https://echa.europa.eu/regulations/reach/legislation>