REACH & CLP
Consequences for Plastics Converters, Compounders & Masterbatchers and Recyclers

Reach & CLP UPDATE
Full Version
EuPR PVC WG
Barcelona, 16 November 2011
Presentation W. Claes

The Menu of today's Update:
1. Reach Registration Update: next deadline 2013
2. Substances in Articles: Our Obligations
   Candidate List - Annex XIV Authorisation
3. Recycling and Reach / SDS-R:
   Portal Safety Data Sheets for Recyclers
4. ECHA Website: Guidance Updates - Terminology
5. Dissemination: Application of Art. 119
6. Enforcement and Penalisation
7. CLP Update

Submission pipeline

These steps can take place after
the deadline, reasonable deadline
set in case of TCC failure.

Earlier submission
recommended!
30 May 2013 Registration Deadline

- Next Registration deadline coming up!
- Substances 100 – 1,000 tonnes
- 5,100 dossiers expected in 2012 (25% initial) and 13,300 dossiers in 2013 (65% initial)
- 3,500 substances

Countdown: optimal situation

Substances in Articles

Our obligations - Summary

- Art 7 § 1: **Registration**: always (pre-) Register
  - > 1 t if Intended Release

- Art 7 § 2: **Notification**: Agency: if SVHC present,
  - > 1 t, > 0.1% of total volume > 1.6.11 and if not registered for that use

- Art 33 § 1: **Information**: Recipient: always if SVHC from date of Candidate List
Substances in Articles

Our obligations - Summary

- Art 7 § 1: Registration: → always (pre-) Register
  > 1 t if Intended Release
- Art 7 § 2: Notification: → Agency: if SVHC present,
  > 1 t > 0.1% > 1.6.11 and if not registered
  for that use
- Art 33 § 1: Information: → Recipient: always if SVHC
  > 0.1% from date of Candidate List
Substances in Articles

Two more Downstream User Obligations

- Art. 37 §2, 38 §1, 39 : Report ---> Agency:
  - Downstream User Uses Report within six months of SDS
  - Downstream User CSR within 12 months of SDS

- Art. 66 : Notification ---> Agency:
  - Downstream User notification of the use of an authorised substance within three months of first use.

Substances of Very High Concern

The Candidate List

Annex XIV

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News Alert

ECCH4 updates the REACH Candidate List

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Press Release

Public Consultation on 26 potential Substances of Very High Concern

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Press Release

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Summary SVHC/Annex XIV Lists (Past)

Candidate List: 53 Substances
- 28.10.08: First Candidate List: 15 substances
- 13.01.10: Second Candidate List: 14 substances
- 30.03.10: Second ¹/₂ Candidate List: 1 substance
- 18.06.10: Third Candidate List: 8 substances
- 15.12.10: Fourth Candidate List: 8 substances
- 25.03.11: Fifth List: 7 new substances
- 29.08.11: Public Consultation 20 new substances

ANNEX XIV List: 6 Substances
- 01.06.09: Prioritisation of 7 substances
- 18.02.11: 6 substances published on Annex XIV
- 01.07.10: Second Draft Recommendation: 8 Substances
- 20.06.11: Third List Public Consultation 13 Substances

Summary SVHC/Annex XIV Lists (Future)

Candidate List:
- 25.03.10: Commission objective: 106 additional substances on the Candidate List by 2012
- 25.03.10: Commissioner objective: + 400 by 2020
- 06.04.11: 135 by 2012 - all relevant SVHCs by 2020
- 21.2.21 and 29.8.2011: On ECHA website for consultation
- June and December 2011: Publication.

ANNEX XIV:
- 2nd Commission Recommendation of 8 (?) substances to be expected on 1.6.2011
- 3rd List of 13 (?) substances to be expected on 1.6.2013

REACH Recycling Time Line

- Substances
- Preparations
- Articles
- Recycling
- In REACH
- Registration Exemption in Art. 2.7.d
- Action: SDS (-R)
- Exemption in Art. 2.2
- Action: OUT of REACH
- Waste
- Life Cycle
Recyclers' Obligations

1. Substance Registration ... and Exemption
2. Safety Data Sheet
3. Classification and Labelling Notification

Recyclers' Guidance Documents

- Guidance on Waste and Recovered Substances (12 May 2010)
- Guidance on the Compilation of Safety Data Sheets (8 September 2011)

Guidance on the Compilation of Safety Data Sheets

Version 1.0 – September 2011

APPENDIX 4: Specific issues relevant to the compilation of SDSs for recovered substances and mixtures.

Reason for the inclusion of this Appendix

Article 20(2) of REACH provides that “substances as defined in Directive 2006/127/EC of the European Parliament and of the Council are not a substance, preparation or article within the meaning of Article 3 of the Regulation.” Therefore, REACH requirements for substances, mixtures and articles do not apply to waste.

However, where a substance or mixture is recovered from waste and material ‘losses to be waste’, REACH requirements in principle apply in the same way as to any other context, with a number of conditionally granted exemptions. The relevant legislation applying to these transfers and the conditions for granting of exemptions are discussed in more detail in the Guidance on Waste and Recovered Substances. In particular, the relevant condition concerning the risk of exposure to the substance applies to the recovered substance or mixture (as discussed in further detail in the rest of this guidance document) but does not apply to waste.

If a “new” substance is generated during the recovery process then it is subject to the normal provisions for registration under REACH.

Where it has been established that a substance or mixture has indeed ceased to be waste Article 27(1) (b) of REACH allows certain exemptions as follows:
The RRIC members are:

ESRG - European Solvent Recycler Group.
EuPR - European Plastics Recyclers.
EUROMETREC - European Metal Trade and Recycling Federation.
FEAD - European Federation of Waste Management and Environmental Services.
GEIR - European Re-refining Industry association.

ESRG - the EUROPEAN SOLVENT RECYCLER GROUP - was founded in 2004 comprising a group of over 25 professional members engaged in a wide range of solvent recovery activities. Its aim is to promote the safe and economic management of post-use solvents. Used chemicals, such as contaminated solvents, are potential hazardous waste and should therefore be fully recovered and reintroduced into reuse underpinned by the REACH Regulation and only be disposed of in another manner under exceptional cases. The goal is to re-use solvent waste as production material and not to unjustifiably dispose of it. This is also the philosophy behind the recycling and waste disposal legislation of the European Waste Framework Directive (2008/98/EC).
RRIC Members

EuPR - EuPR represents National Associations and Individual Member Companies covering 80% of the European market. We focus on the promotion of plastics recycling and the creation of conditions which enable profitable and sustainable business. Furthermore we try to help business development by initiating recycling projects and promote the use of recycled plastics. By means of a service platform we can offer you information on machinery suppliers and business contacts.

EUROMETREC is the European Metal Trade and Recycling Federation. Its members are national federations in the EU Member States representing the interests of commercial firms that are primarily involved in the collection, trade, processing and recycling of non-ferrous metal scrap. In the E.U. Member States, more than two thousand large companies and SMEs are represented through EUROMETREC.

FEAD is the European Federation representing the European waste management industry. FEAD’s members are national waste management associations covering 20 Member States and Norway. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion.

FEAD represents about 3000 companies with activities in all forms of waste management. These companies employ over 320000 people who operate around 2400 recycling and sorting centres, 1100 composting sites, 260 waste-to-energy plants and 900 controlled landfills. They play an important role in the determination of the best environmental option for waste management problems.

RRIC Members

GEIR (Groupement Européen de l’Industrie de la Régénération) is the European Re-refining Industry Association. Used lubricating oils represent the largest amount of liquid, non-aqueous hazardous waste in the world. GEIR member companies are active throughout Europe in supporting the collection of used oils and re-refining these back to valuable lubricant base oils. Today the European waste oil recycling industry is comprised of 28 plants and employs between 1000-1200 in re-refining and 2000-2500 people in the collection of waste oil. Seventeen of the plants produce base oils. The industry has a total nameplate capacity of 1.300.000 tonnes/year, total lube oil production of 400.000t/y and produces 500.000 t/y of other products including fuels, asphalt, gasoil, flux oil etc. It has an approximate total turnover of between € 200-250 million/year.

Some Recyclers’ Unsolved Problems

Exemption for Recycling of restricted / banned substances:

“Legacy Additives”

No Registration Number for Recyclers of Substances:

“No Registration, No Business”

No Registration Number for Recyclers of Substances

Recipients of recovered substances will generally not receive a registration number from the manufacturer of the recovered substance. This however could cause huge commercial problems, since downstream users very often have supply systems that dictate “no registration number, no purchase”. As a result, the absence of registration numbers may create discrimination between the virgin substance and the recovered substance which in effect may cause a “commercial” disadvantage for the recycler.

Therefore we would welcome the idea of a registration number that could be published in a way that ensures it meets the commercial demand for a registration number, but also preserves business confidentiality (e.g. without indicating the last four digits which refer to the registrant / supplier).

Text agreed upon by RRIC
SAFETY DATA SHEETS FOR RECYCLERS TOOL:
REACH-able Solution for Plastics Recyclers

17 May 2011

Over the course of version 1.5 of the Safety Data Sheets for Recyclers tool (SDSR) to late 2010 by the European Plastic Consumers (EPC) and the European Plastic Recycling (EPR) network of e reached the stage of readiness to ensure that REACH compliance obligations, the tool is designed to facilitate the mandatory production of the required data sheets and thus ensure that REACH is correctly implemented.

1.1 Description of the tool

The tool is designed to allow users to download SDSs in 7 different languages (English, French, Dutch, German, Italian, Spanish and Portuguese). It is an integral part of the EPR tool and allows users to request relevant safety data sheets based on the composition of plastic they provide.

For more information on the SDS-R tool please visit www.epcracuse.com or e-mail info@epcracuse.com.

NEW SDS-R PORTAL WEBSITE LAUNCHED

The SDS-R Portal is the first REACH-friendly tool for Plastics Recyclers. It gives recyclers access to the latest Safety Data Sheets (SDSs) online, and enables them to comply with REACH obligations.

The new website has many advantages including:

- User-friendly interface
- Regularly updated SDSs
- SDS available in 7 EU languages
- 60% reduction in fees compared to the current production costs
- Guidance documentation for users of the tool and details on risk management procedures
- Special case studies will be examined by the EPR tool team to provide users with user-friendly insight into an individual case study.

This user-friendly tool takes only a few steps:

- You input details on your company and its type and concentration of substances used.
- This tool includes a free database of your SDS.
- Your SDS is ready to download!

SIDS that are not available in our database can be created upon request

Annual Access Fee

Category 1: Non-renewables:

- EPR: £1,000 (CZT14,400)
- 60% (£600; 25% £360)

Category 2: Non-renewable:

- EPR: £1,000 (CZT14,400)
- 60% (£600; 25% £360)

Any specific request may be subject to separate consultation fees. Please refer to the guidance document for further details.

For more information please contact sales@epcracuse.com.

CREATE YOUR SAFETY DATA SHEET

Please input the following stages of the safety data sheet:

- ecome with the help of the tool.
- ecome with the help of the tool.
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Early 2012: Czech
Polish
Romanian
Portuguese
Danish
Swedish

In case of questions, please contact us at sales@epcracuse.com.

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Reach and CLP Terminology
Database in 22 languages

- A test version of a multilingual terminology database provides the main REACH and CLP terms in 22 EU languages, including the CLP pictograms, hazard and precautionary statements.

- The database is now online, free of charge, where one can actually make instant translations:

- A Leaflet and a Quick Guide are available online.
The FORUM

“Forum for Exchange of Information on Enforcement”

Launched in April 2009 by ECHA
1st Enforcement Workshop with Stakeholder Organisations on 18 May 2010

REF 1: (“REACH-EN-FORCE-1”) May 2009 – January 2010

- Focussed on pre-registration and provisions of SDS
- Inspections in 1600 companies in 25 countries
  - (878 M, 666 I, 83 OR, 858 DU)
- Covered 105.000 pre-registered substances
- 24% of companies were not 100% compliant

2nd Enforcement Workshop with Stakeholder Organisations on 6 October 2011

REF 11 (“REACH-EN-FORCE-1”) on Pre-registration and Provisions of SDS:
Prolongation May 2010 -- April 2011

- 800 companies inspected
- 4% not preregistered i.e. unlawful on the market
- 21% SDS not compliant although only basic features were controlled (16 headers, languages, not ES, ...
- No improvement since 2004 Commission survey

3rd Enforcement Workshop with Stakeholder Organisations on 6 October 2011

REF 22 (“REACH-EN-FORCE-2”) Enforcement of the Reach Obligations of Downstream Users - Formulators of Mixtures May -- December 2011:

- Target is inspection of 800 companies
- Reporting Phase January - June 2012
- Forum questionnaire refused

REF 3 (“REACH-EN-FORCE-3”) A coordinated Enforcement Project on Registration Obligations of Manufacturers, Importers and Only Representatives 2012 - 2013.
The FORUM Meeting 6.10.2011

- RIPE: Reach Information Portal for Enforcement
- Web based tool to allow 2.500 Reach inspectors in the EU to have a direct access to all Reach IT data of the companies in their country
- Purpose is to prepare inspections and check data, if necessary on the spot.

REACH & CLP
Consequences for Plastics Converters, Compounders & Masterbatchers and Recyclers

- Downstream Users as Formulators
- Targets of inspections

2nd Enforcement Workshop with Stakeholder Organisations
Helsinki, 6 October 2011
Presentation W. Claes

Enforcement
5 Case Studies: Inspections at Masterbatchers

European Thermoplastics Independent Compounders (& Masterbatchers)
A Sector Group of EuPC
by L. Katzmayer, President

ETHIC Members

Conclusions
- Very different styles, from “Inspection” to “Audit”
- No major complaints
- Use of languages?
- Limits to data and information requests?
- Inspection Fee?
Thank you for your attention.

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EuPC is the leading EU-level Trade Association, based in Brussels, representing European Plastics Converters. Its powerful European Plastics Network exists to support the beneficial use of plastics worldwide, especially providing plastics converting companies with a voice in European legislation. EuPC now totals about 51 European Plastics Converting national and European industry associations, it represents close to 50,000 companies, producing over 45 millions tonnes of plastic products every year.

The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.6 million people are working in about 50,000 companies (mainly small and medium sized companies in the converting sector) to create a turnover in excess of 300 billion € per year. The plastics industry includes polymer producers - represented by PlasticsEurope, converters - represented by EuPC and machine manufacturers - represented by EUROMAP.

For further info see the web links below: www.plasticsconverters.eu www.plasticsEurope.org www.euromap.org