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## EU Amends Restrictions on Cadmium

On 21 May 2011, an amendment to the current cadmium restrictions under Annex XVII of REACH was published in the Official Journal of the European Union<sup>1</sup>. Regulation (EU) No 494/2011 amends the current restrictions in plastic materials and plastic products, clarifies the restrictions regarding wet paint and painted articles, as well as expands the scope of the restriction to include construction articles made from recovered PVC, brazing fillers and jewellery.

The new cadmium restrictions will apply from 10 December 2011 and are summarised as follows:

### 1. PLASTIC MATERIALS AND PLASTIC PRODUCTS

Cadmium shall not be present in all plastic materials and plastic products at a concentration  $\geq 0.01\%$  by weight of the plastic material. Articles placed on the EU market before the new restrictions come into force must comply with the existing restrictions.

### 2. RECOVERED PVC

Materials and articles made from recovered PVC in the following rigid PVC applications shall not contain cadmium at a concentration  $> 0.1\%$ :

- Profiles and rigid sheets for building applications;
- Doors, windows, shutters, walls, blinds, fences and roof gutters;
- Decks and terraces;
- Cable ducts;
- Pipes for non-drinking water.

Such materials and articles must be visibly, legibly and indelibly marked as "Contains recovered PVC" or with the following pictogram:



### 3. PAINTS AND PAINTED ARTICLES

Cadmium shall not be used in water- and solvent-based paints and varnishes (including enamels and lacquers) unless they contain  $> 10\%$  by weight of zinc, in which case the cadmium concentration must be  $< 0.1\%$ . Except for safety reasons, the cadmium content in articles painted with such water- and solvent-based paints and varnishes must be  $< 0.1\%$  by weight of the paint on the painted article.

### 4. BRAZING FILLERS

Brazing fillers shall not contain cadmium at a concentration  $\geq 0.01\%$  by weight, except for uses in defence and aerospace applications, and uses for safety reasons.

### 5. JEWELLERY

The metal parts of any jewellery must not contain cadmium in a concentration  $\geq 0.01\%$  by weight of the metal. This includes:

- Metal beads and other metal components for jewellery making;
- Metal parts of jewellery and imitation jewellery articles and hair accessories, including:

- Bracelets, necklaces and rings,
- Piercing jewellery,
- Wrist-watches and wrist-wear,
- Brooches and cufflinks.

Jewellery that is more than 50 years old on 10 December 2011 is exempted from this restriction.

### 6. CADMIUM PLATING

The current restrictions on cadmium plating remain the same. These apply to cadmium plated metallic articles or components of the articles used in certain sectors and/or applications, as well as products manufactured from them, including paper and board and textiles and clothing, among others.



<sup>1</sup> Download Regulation (EU) No 494/2011 (published on 21 May 2011) from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:134:0002:0005:EN:PDF>. The corrigenda (published on 24 May 2011) may be downloaded from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:136:0105:0105:EN:PDF>

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# REACH Candidate List Grows by Seven More Substances to 53 SVHCs

On 20 June 2011, the Candidate List<sup>1</sup> has been updated for the fifth time since the publication of the first fifteen Substances of Very High Concern (SVHC) in October 2008, bringing the total number of SVHCs to 53. The newly added 7 SVHCs are listed in Table A.

## Article supplier obligations

If you are a supplier of articles in the EU (i.e. producer, importer, distributor or retailer), you are reminded that the following obligations may apply if your products contain any of these SVHCs at a concentration of > 0.1% weight by weight (w/w):

1. To communicate immediately to the recipient of the article (except consumers), with at least the name of the SVHC, and if available, instructions regarding how to use the product safely;
2. Upon consumer enquiry, provide within 45 calendar days and free of charge at least the name of the SVHC, and if available, instructions regarding how to use the product safely;
3. To submit a notification to the European Chemicals Agency (ECHA) if the total amount of the SVHC present in those articles that contains > 0.1% (w/w) of the SVHC exceeds 1 tonne per year.

The submission of a notification to the ECHA must be made before the applicable deadline which is calculated based on the date of publication of the SVHC concerned:

- **Due on 1 June 2011:** For those SVHCs included on the Candidate List before 1 December 2010, i.e., the first 38 SVHCs published on the following dates:
  - 28 October 2008 (15 SVHCs)
  - 13 January 2010 (14 SVHCs)
  - 30 March 2010 (1 SVHC)
  - 18 June 2010 (8 SVHCs)
- **Due 6 months after the inclusion of the SVHC on the Candidate List:** For those

SVHCs included in the Candidate List on or after 1 December 2010, i.e., the following SVHC updates have the following deadlines:

- 15 December 2010 (8 SVHCs) – due 15 June 2011
- 20 June 2011 (7 SVHCs) – due 20 December 2011

Determining your notification obligations requires a thorough understanding of the notification requirements, analysis of product data and active communication with suppliers. ■



**TABLE A: NEWLY ADDED SVHCs TO REACH CANDIDATE LIST**

Substance name	CAS (EINECS)	Possible Uses
2-Ethoxyethyl acetate	111-15-9 (203-839-2)	<ul style="list-style-type: none"> <li>■ Solvent in coatings and in the chemical industry</li> <li>■ As an intermediate in the manufacture of cyanoacrylate adhesives</li> </ul>
Strontium chromate	7789-06-2 (232-142-6)	Mainly as corrosion inhibitor in coating mixtures used in the aeronautic/aerospace sector, in the coil coating sector of steel and aluminium, and in the vehicle coating sector.
1,2-Benzenedicarboxylic acid, di-C7-11-branched and linear alkyl esters (DHNUP)	68515-42-4 (271-084-6)	Plasticiser in PVC, foam, adhesives and coatings.
Hydrazine	7803-57-8 / 302-01-2 (206-114-9)	<ul style="list-style-type: none"> <li>■ As an intermediate in the manufacture of hydrazine derivatives</li> <li>■ As a monomer in polymerisations</li> <li>■ Corrosion inhibitor in water treatment</li> <li>■ Metal reduction and refining of chemicals</li> </ul>
1-Methyl-2-pyrrolidone	872-50-4 (212-828-1)	Solvent in coatings and cleaning products for use in the manufacture of EEE, semiconductor industry, petrochemical processing, pharmaceuticals and agrochemicals.
1,2,3-Trichloropropane	96-18-4 (202-486-1)	<ul style="list-style-type: none"> <li>■ As an intermediate in the manufacture of chlorinated solvents and agricultural products</li> <li>■ As a monomer in polymerisations</li> <li>■ Solvent, paint and varnish remover</li> <li>■ Degreasing agent</li> </ul>
1,2-Benzenedicarboxylic acid, di-C6-8-branched alkyl esters, C7-rich (DIHP)	71888-89-6 (276-158-1)	<ul style="list-style-type: none"> <li>■ Plasticiser in PVC and in sealants, coatings</li> <li>■ Printing inks (potentially)</li> </ul>

<sup>1</sup> See the current Candidate List at [http://echa.europa.eu/chem\\_data/authorisation\\_process/candidate\\_list\\_table\\_en.asp](http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp)

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# ECHA Recommends 13 SVHCs from Candidate List to be Included in Annex XIV

On 15 June 2011, the European Chemicals Agency (ECHA) announced<sup>1</sup> that 13 Substances of Very High Concern (SVHC) have been selected from the Candidate List for recommendation to be included in Annex XIV. These proposed substances contain 7 chromium compounds, 5 cobalt compounds and 1 organic substance:

- Ammonium dichromate (CAS 7789-09-5);
- Chromic acid, Oligomers of chromic acid and dichromic acid (CAS 7738-94-5; 13530-68-2);
- Chromium trioxide (CAS 1333-82-0);
- Cobalt dichloride (CAS 7646-79-9);
- Cobalt(II) carbonate (CAS 513-79-1);
- Cobalt(II) diacetate (CAS 71-48-7);
- Cobalt(II) dinitrate (CAS 10141-05-6);
- Cobalt(II) sulphate (CAS 10124-43-3);
- Potassium chromate (CAS 7789-00-6);
- Potassium dichromate (CAS 7778-50-9);
- Sodium chromate (CAS 7775-11-3);
- Sodium dichromate (CAS 7789-12-0);
- Trichloroethylene (CAS 79-01-6).

The 3-month public consultation<sup>2</sup> period began on 15 June and will end on 14 September. Interested parties are invited to submit comments on this

<sup>1</sup> Read the official ECHA Press Release at [http://echa.europa.eu/news/na/201106/na\\_11\\_26\\_public\\_cons\\_inclusion\\_of\\_susb\\_in\\_auth\\_list\\_en.asp](http://echa.europa.eu/news/na/201106/na_11_26_public_cons_inclusion_of_susb_in_auth_list_en.asp)

<sup>2</sup> The ECHA website for this public consultation is at [http://echa.europa.eu/consultations/authorisation/draft\\_recommendations/recommendations\\_en.asp](http://echa.europa.eu/consultations/authorisation/draft_recommendations/recommendations_en.asp)

draft recommendation and its reasoning, in particular on uses which should be exempted from the authorisation requirement.

## ADDITIONAL BACKGROUND

The REACH Authorisation is a process that involves a number of steps<sup>3</sup>, starting with the identification of SVHCs for inclusion on the Candidate List. The ECHA then prioritises these SVHCs on the Candidate List and makes a recommendation to the European Commission for inclusion on Annex XIV (the so-called "Authorisation List")<sup>4</sup>. Once an SVHC has been included in Annex XIV, it can only be used after its "sunset date" if an authorisation has been granted by the European Commission.

The current Annex XIV contains 6 substances which were published on 18 Feb 2011. A second list of 8 SVHCs was recommended for inclusion in Annex XIV in December 2010 but the final decision has not been announced. The REACH regulation requires that a recommendation for Annex XIV be made by the ECHA at least once every 2 years, starting from 1 June 2009. However, the ECHA has announced that it

<sup>3</sup> See a summary of the Authorisation Process at [http://guidance.echa.europa.eu/authorisation\\_en.htm](http://guidance.echa.europa.eu/authorisation_en.htm)

<sup>4</sup> View the current Authorisation List at [http://echa.europa.eu/reach/authorisation\\_under\\_reach/authorisation\\_list\\_en.asp](http://echa.europa.eu/reach/authorisation_under_reach/authorisation_list_en.asp)

**TABLE A: EFFECTS OF AUTHORISATION**

Product	Manufactured in the EU	Imported into the EU
Substance	✓	✓
Mixture	✓	✓
Article	✓	✗

intended to submit a recommendation each year and so far, it has kept to this schedule.

## HOW WILL THIS AFFECT YOU?

There is no tonnage threshold for authorisation; therefore, unless a use has been exempted, an authorisation is required for the import and all uses within the EU of the SVHCs in Annex XIV whether as a substance, as part of a mixture, or in the manufacture of articles<sup>5</sup> (see table A).

However, EU importers of articles should take special note that Authorisation does not apply to SVHCs already used during the production of an imported article, e.g., DEHP incorporated into the plastic of an electric cable. As this discrepancy between EU-made and imported articles could result in different product safety concerns, considerations should be taken during company restricted/hazardous substance policy review. ■

<sup>5</sup> See the Application for Authorisation Process at [http://echa.europa.eu/reach/authorisation\\_under\\_reach/authorisation\\_application\\_en.asp](http://echa.europa.eu/reach/authorisation_under_reach/authorisation_application_en.asp)

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