

## **REACH is Adopted**

On 13 December 2006, the European Parliament gave a crucial vote that secures the passage of the REACH legislation. On 18 December, the Council of Ministers gave its formal approval, finally adopting REACH. It will enter directly into law across all EU Member States on 1 June 2007.

Registration of non-phase-in substances begins immediately from June 2008 and that includes substances in preparations (i.e. mixtures) and substances with intended release from articles (e.g. ink in a pen). For phase-in substances, the pre-Registration and Registration generally follow the same timelines as previously proposed, with a six-month extension for the first Registration deadline. The major change from the previous “Council Common Position” that was taken as the working version of REACH relates to the Authorisation procedure, which is detailed below.

### **Registration Timelines**

November 2010 deadline:

- substances in quantities at or above 1000 tonnes per annum (tpa)
- carcinogens, mutagens and reprotoxins (CMR) category 1 and 2 above one tpa
- substances classified as very toxic to aquatic organisms which may cause long term adverse effects in the aquatic environment (R50/53) at or above 100 tpa

June 2013 deadline:

- substances in quantities at or above 100 tpa

June 2018 deadline:

- substances in quantities at or above 1 tpa

### **Authorisation**

Known as the “Compromise Package” the final version of REACH is the result of three years of EU legislative negotiation. It has a few changes from the previous Council Common Position, most notably with regards to Authorisation.

Once a substance is on the official list for Authorisation (i.e. Annex XIV which is not to be confused with the ‘candidate list’), a company has until 18 months before the ‘sunset date’ to submit its application. There are two possible routes to having an authorisation issued:

- ‘Adequate Control’ - when a safe threshold of exposure can be established and exposure is demonstrated as being below that threshold
- ‘Socio-economic’ - when a safe threshold of exposure cannot be established, an authorisation may be granted on the basis of a socio-economic justification for its continued use

All applications for an authorisation will need to be accompanied by an analysis of alternatives. If a suitable alternative is identified, as judged technically feasible and economically viable by the applicant, then a substitution plan must also be submitted. The data a company submits will influence the length of time that the authorisation will be granted before being made subject to another review. Please note that exemptions to Authorisation can be issued on a case-by-case basis.