

REACH & ROHS: A COMMON UNDERSTANDING

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REACH



Registration, **E**valuation, **A**uthorisation and Restriction of **C**hemicals (REACH)

- REACH is a European regulation which became enforced in law on June 1st 2007
- The purpose is to unify chemical management policy and regulation across the 27 different EU member states
- It defines chemicals needing control as **S**ubstances of **V**ery **H**igh **C**oncern (SVHC) – currently 155 different types identified as “candidates” for restriction with 31 already assessed as requiring authorisation for use. More added every 6 months (Jun/Dec).
- The organisation responsible for managing the administrative and technical aspects of REACH is the European Chemicals Agency (ECHA)



http://echa.europa.eu/home_en.asp

RoHS



- European Directive on the **R**estriction of the use of certain **H**azardous **S**ubstances (RoHS)
- Current version is 2011/65/EU which had to be implemented in EU Member States by January 2nd 2013
- The original version was 2002/95/EC and had to be in force in each Member State by July 1st 2006
- It still restricts the use of only six particular substances in electrical and electronic equipment (EEE)

Differences



- REACH is a Regulation which has direct impact in each Member State
- RoHS is a Directive which must be transposed into individual Member State laws
- REACH is “horizontal” legislation and is not product specific
- RoHS is product specific and affects only electrical and electronic equipment (EEE)

Different Restrictions



- RoHS restricts content of **lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB), polybrominated diphenyl ether (PBDE)** to 0.1% and **cadmium** to 0.01% by weight of each individual homogeneous material in EEE items
- REACH requires that any products that may contain content of any candidate SVHC above 0.1% of the total item weight must be reported.
 - if candidate SVHCs become subject to authorisation, then if products contain these substances above the 0.1% limit they cannot be placed on the market or used after a given date, unless an authorisation is granted for their specific use, or the use is exempted from authorisation.

Context



- RoHS aims to help protect human health and the environment by ensuring the materials used in EEE can be safely disposed at the end of product life – hence links to the WEEE Directive
- REACH has similar aims but considers the whole product lifecycle from manufacture, during use and at disposal – including raw materials and consumables that may not end up in the product itself

Overlap



- An item of EEE that is within scope of RoHS is also within scope of REACH
- Q: So if a substance is named as a SVHC under REACH and is restricted under RoHS, now or in the future, which piece of legislation has priority for an item of EEE?

A Common Understanding



- The European Commission has now published a paper (Document number CA/36/20-14) which attempts to answer that question

<http://ec.europa.eu/DocsRoom/documents/5804/attachments/1/translations/en/renditions/native>

- A: RoHS will normally have priority over REACH when applying EU regulation to hazardous substances used in items of EEE

Example 1



- Substance is already restricted under RoHS and then listed as a candidate SVHC for future restriction under REACH
 - content in EEE within scope of RoHS must be excluded from the REACH restriction
 - the listing under REACH must indicate that the substance is controlled by RoHS for EEE
 - For example, Cadmium is restricted under RoHS and was added as a candidate SVHC under REACH in June 2013

Example 2



- A substance already listed as a candidate SVHC under REACH becomes proposed as an additional restriction under RoHS
 - if RoHS is updated then the existing listing under REACH must be amended to exclude content in EEE under applicable scope
 - the amended listing under REACH must indicate that the substance is now controlled by RoHS for EEE

Example 3



- A substance known to be commonly used in EEE is proposed as a candidate SVHC for REACH but is not yet controlled by RoHS
 - There would be no opposition to adding the substance under REACH and listing it would not automatically create an exemption under RoHS
 - Addition under REACH may trigger a substance review under RoHS
 - If added to RoHS in future the REACH listing must be amended to exclude applicable EEE

Example 4



- Substance is already restricted under RoHS and then proposed to require authorisation in future under REACH
 - content in EEE products with a valid application specific exemption under RoHS would still be subject to REACH authorisation procedures
 - It may be possible to exempt the uses covered by the RoHS restriction from the authorisation process under REACH

Example 5



- Substance already requiring authorisation under REACH then proposed to be added to restrictions under RoHS
 - If added to RoHS, the authorisation under REACH becomes redundant for non-exempt EEE in scope because the substance is now banned by RoHS
 - For RoHS exempt EEE product applications it may be decided to discontinue the REACH authorisation for content in the affected products and applications.

Example 6



- Substance not yet requiring authorisation under REACH and not yet proposed to be added to restrictions under RoHS, but risk management is under consideration
 - Either:
 - Require authorisation under REACH and exempt content in EEE if later added to RoHS
 - Delay using REACH to control the risk until the substance is restricted by RoHS

Questions?

- Thanks for listening, I hope you found this useful and interesting...



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