

## REACH: French Opinion on Definition of ‘Articles’ impacts Obligations for SVHC

In an opinion letter (“AVIS”) published in the *Official Journal of the French Republic* on 8 June 2011, French authorities stated their position on the interpretation of the meaning of “articles” in regards to REACH (EC 1907/2006). Since the French opinion differs from the ECHA interpretation, this opinion impacts obligations for Article 33 (Information Obligation) and Article 7.2 (Notification of SVHC) under REACH. The French opinion is based on the concept that components of a finished product should be regarded as individual articles.



### Background

Once a substance is put on the candidate list, producers, importers or suppliers have to consider information obligations (Article 33 of REACH regulation) that require them to provide business clients and consumers with information on the safe use of any product containing SVHC exceeding 0.1% (w/w). Retailers have 45 days to respond to an inquiry by consumers in regards to the presence of SVHC in the product. Furthermore, if the total amount of a SVHC is more than 1 Tonne/Year companies have to notify ECHA about the substance (Article 7.2 of REACH regulation).

### Defining the Meaning of “Article”

To calculate the concentration of SVHC in an article and to check further obligations under REACH, the definition of “article” is important. Most Member States, as well as ECHA, follow the concept of considering the whole article, as noted in the ECHA *Guidance on Requirements for Substances in Articles*. However, France, Austria, Belgium, Denmark, Germany and Sweden have a different point of view. Their approach is based on the concept that an “article” might be made from different components which should be also regarded as articles. This interpretation has a major impact in regards to obligations on SVHC.

### Comparative Example using Different Definitions of “Article”

Presume that an imported belt is composed of a leather strap with a metal buckle and contains an SVHC with 0.2 % (w/w) in the metal buckle and the total quantity of the SVHC is 1.5 Tonnes/Years per importer.

- Following the ECHA approach (calculation for the whole belt), the concentration of SVHC in the whole belt is 0.05%. Therefore, no further obligations for Information or Notification are applicable because the whole belt contains less than 0.1% SVHC.
- Following the French approach, the belt should be regarded as two articles (leather strap and buckle). Therefore, calculation and obligations would differ. As the buckle contains 0.2% SVHC, Information Obligation applies and since more than 1.5 Tonnes /Year SVHC are imported, Notification for this substance at ECHA would be requested as well.

These different interpretations and opinions may have an impact on producers, importers, suppliers and retailers when calculating the concentration of SVHC in the article. The legal interpretation is unclear because REACH is a European Regulation which applies in all EU Member states. A final interpretation may be found in Court.

### Additional Information

- ECHA guidance on requirements for substances in articles:  
[http://guidance.echa.europa.eu/docs/guidance\\_document/articles\\_en.pdf](http://guidance.echa.europa.eu/docs/guidance_document/articles_en.pdf)
- French AVIS (in French)::  
<http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=?cidTexte=JORFTEXT000024144346&dateTexte=&oldAction=rechJO&categorieLien=id>

### Bureau Veritas Solutions and Services for REACH Compliance

Bureau Veritas offers a wide range of chemical management solutions to help you comply with the challenges of the REACH Regulation. To find out how we can assist your business, visit – [www.bureauveritas.de/cps](http://www.bureauveritas.de/cps) , [www.bureauveritas.co.uk/cps](http://www.bureauveritas.co.uk/cps), [www.bureauveritas.fr](http://www.bureauveritas.fr), or email: [cps-hamburg@de.bureauveritas.com](mailto:cps-hamburg@de.bureauveritas.com)

Bureau Veritas Consumer Products Services, Inc. (“BVCPS”) provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided “as is.” BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.