

REACH – impact on the glass industry



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REACH – impact on the glass industry



- 1) Introduction to REACH
- 2) REACH affects the glass industry
- 3) Challenges for the glass industry

- REACH: Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the **Registration, Evaluation, Authorisation and Restriction of Chemicals**
- Entered into force on **1 June 2007**
- REACH is an EU **regulation** and is therefore directly applicable in all Member States.
- Guiding principle: to record the entire manufacturing process of a chemical substance and to make it safe, thereby improving the protection of human health and the environment

Overview of total registrations

	Registrations	Substances	Companies
EEA	89,751	21,470	13,995
Germany	22,612 (25 %)	10,313 (48 %)	2,387 (17 %)
UK	12,291 (13 %)	5,674 (26 %)	1,754 (12 %)
France	8,815 (9 %)	4,685 (21 %)	1,240 (8 %)
Netherlands	7,737 (8 %)	3,677 (17 %)	994 (7 %)
Italy	7,492 (8 %)	4,109 (19 %)	1,068 (7 %)
Spain	5,993 (6 %)	3,369 (15 %)	911 (6 %)

Responsibility at national level:

- Federal Environment Agency (Umweltbundesamt, UBA)
- Federal Institute for Occupational Safety and Health and Occupational Medicine (Bundesanstalt für Arbeitsschutz und Arbeitsmedizin, BAuA)
- Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung, BfR)
- Local authorities

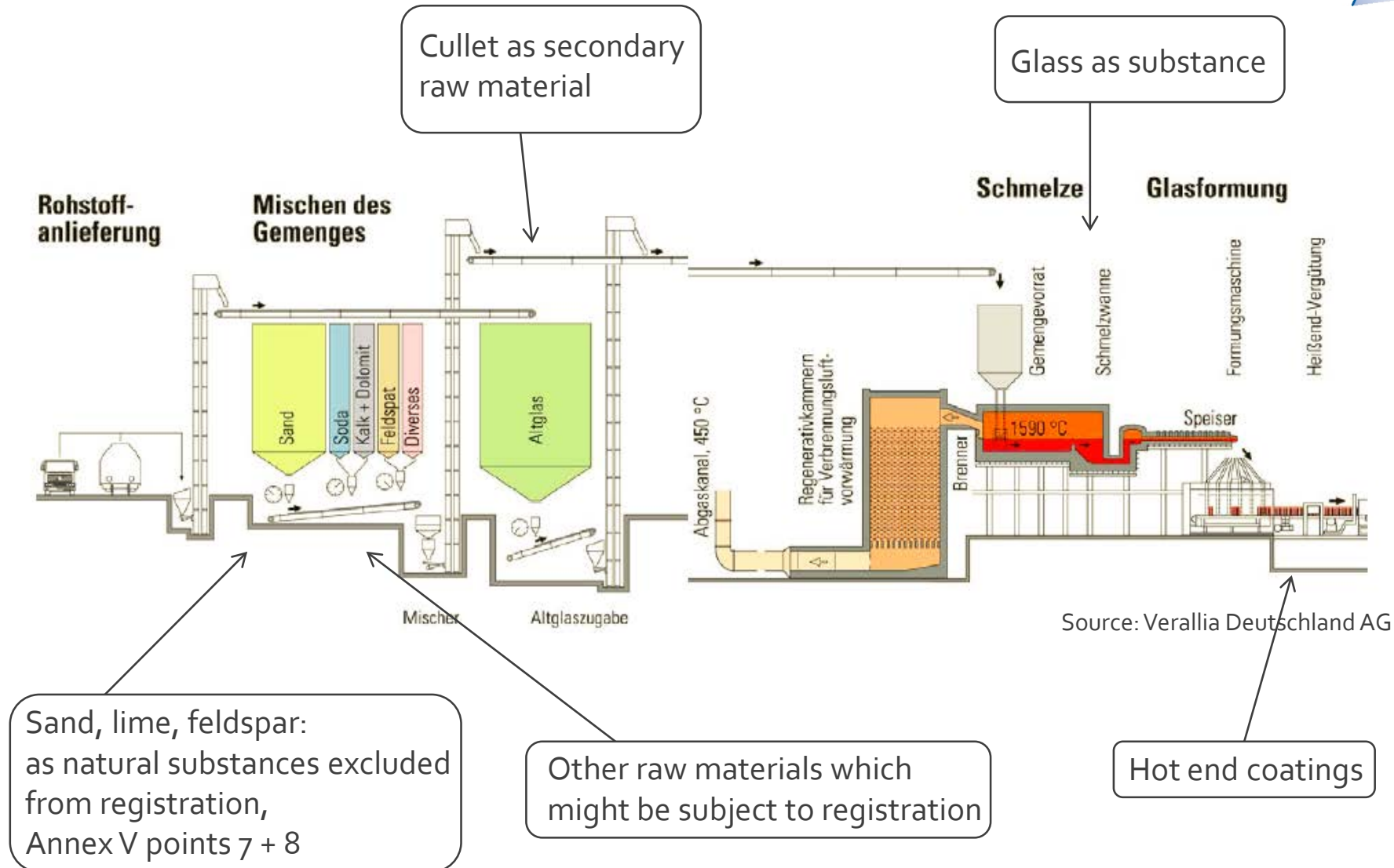
Responsibility at EU level:

- European Chemicals Agency (ECHA) in Helsinki

Principles of REACH

- **Reversal of the burden of proof:** REACH requires manufacturers and importers to be responsible for the safety of their chemicals themselves.
 - The role of the authorities in Germany and the European Chemicals Agency (ECHA) is essentially limited to monitoring the relevant requirements and managing the data submitted.
- The principle "**no data - no market**" applies.
 - Substances subject to registration may not be manufactured or marketed without registration.

REACH affects the glass industry

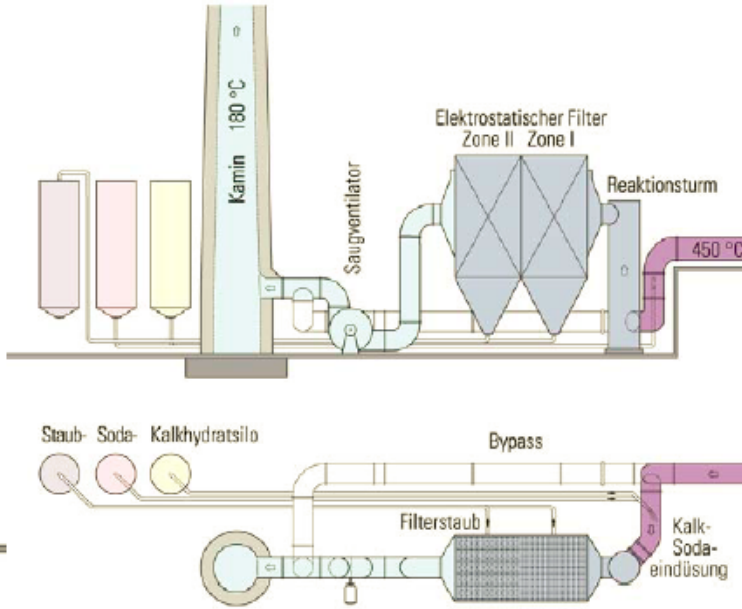


REACH affects the glass industry



Cold end coatings

Glass article



Filter dust:
Either reused or waste,
Waste not regulated under REACH

Industrielle Glasproduktion am Beispiel der Behälterglasfertigung (Quelle: Saint-Gobain Oberland)

Quelle: Verallia Deutschland AG

REACH affects the glass industry



Consequences

- The legal consequences of being affected depend on the role under REACH:
 - manufacturer or
 - importer or
 - downstream user
- Glass manufacturing companies can have different roles under REACH at the same time.

Challenges for the glass industry



- 1) Registration obligation for glass
- 2) SVHC in the glass industry
- 3) Raw materials as intermediates

Glass as a substance



- Glass is considered as a **substance** under REACH.
- In principle, the substance of glass is **subject to registration**.
- Glass is **exempted** from the registration obligation under **Annex V point 11 REACH** if it is
 - not itself classified as dangerous
 - contains no hazardous components
 - hazardous components contained are not available during the life-cycle
- **GAE REACH dossier** (12.11.2009), two-part dossier:
 - Criteria for determining which types of glass are covered by the exemption
 - Method for testing glass for the availability of hazardous constituents

Glass as a substance



Glass industry interpretation

- Soda lime glass (container and flat glass) is covered by the exemption in Annex V point 11 REACH and is therefore not subject to registration, if it does not contain any hazardous constituents.
- Other glass manufacturers, in particular special glass manufacturers, may have to demonstrate that the availability of hazardous constituents in the glass does not exceed the lowest applicable concentration limit.

SVHC in the glass industry



- SVHC are subject to special requirements:
 - Inclusion on the so-called candidate list/ SVHC list
 - if applicable, obligation to obtain approval
- Requirements for classification as SVHC
 - CMR category 1A or 1B substance
 - PBT, vPvB substances
 - Substances of equal concern

SVHC in the glass industry



- There are 191 substances on the **candidate list** / SVHC list (status: 14.9.2018)
- Substances on the candidate list used for glass production:
 - Diarsenic trioxide, diarsenic pentaoxide, arsenic acid
 - Borax, boric acid, diboron trioxide
 - Refractory ceramic fibres
 - Potassium chromate, potassium dichromate
 - Cobalt sulphate
 - Lead compounds (lead(II)oxide, lead(IV)oxide)
 - Dibutyltin trichloride
 - Cadmium sulphide
 - Cadmium sulphate

Legal consequence: information obligation according to Art. 33 REACH

- Requirements of the obligation according to Art. 33 REACH:
 - Supplier of an article
 - SVHC substance in a concentration above 0.1 % weight by weight
 - Provide information on the safe use of the product
- The entire European glass industry is of the opinion that there is no general obligation to provide information on its products according to Art. 33 REACH.
- Usually, glass products consist entirely of glass – a substance that is neither currently on the candidate list nor expected to be included on the candidate list in the future.

Authorisation procedure for SVHC

- ECHA aims to make all substances on the candidate list permanently subject to authorisation and thus add them to Annex XIV REACH.
- The use of substances subject to authorisation in the industry is generally prohibited.
- Exception: costly and time-consuming authorisations in individual cases
- Substances on Annex XIV REACH used for glass production:
 - Arsenic trioxide / arsenic pentoxide (since 15.2.2012)
 - Potassium chromate / potassium dichromate (since 21.4.2013)

Raw materials as intermediates



No authorisation obligation for intermediates

- Although some substances subject to authorisation are also used in the glass manufacturing process there is no authorisation obligation for them.
- Reason: transported isolated intermediates are excluded from Chapter VII and thus from the authorisation procedure according to Article 2 paragraph 8 b REACH.
- Definition of intermediates in Article 3 paragraph 15 REACH:
substance manufactured for further chemical processing which is consumed or used to be converted into another substance