

Unger, Timo

From: FAUBEL David [David.FAUBEL@echa.europa.eu]
Sent: Freitag, 30. Oktober 2009 09:17
To: Unger, Timo
Cc: NOUWEN Johan
Subject: your request regarding REACH

Dear Mr. Unger,

Following the meeting you had at ECHA (dd. 27.10.2009 14.00-16.00), I would like to answer your request for clarification regarding the applicability of certain REACH provisions to articles produced before REACH entered into force.

As explained in the *Guidance on requirements for substances in articles*, a **notification** according to Article 7(2) is not required for a substance in articles which have been produced or imported *before* the substance has been included on the candidate list for authorisation. For a substance in articles which have been produced or imported *after* the substance has been included on the candidate list for authorisation, a notification of substances in articles shall be made at the latest 6 months after it has been included on the candidate list for authorisation but only starting from 1 June 2011.

The obligation to provide available information on substances of very high concern to the recipients of the articles (**Article 33**), however, applies also to articles which were produced or imported before the substance was included on the candidate list and are supplied after the inclusion. Thus, the date of supply of the article is relevant.

For **restrictions** (Annex XVII, as amended by Regulation (EC) No 552/2009) no general answer can be given due to the individual specifications in each entry.

For example, the restriction for "Diphenylether, pentabromo derivative" shall not apply to articles that were in use in the Community before 15 August 2004.

Substances being (an integral) part of imported articles cannot be subject to **authorisation**. The inclusion of a substance in articles (during production of these articles in the European Economic Area), however, requires an authorisation, if the substance is included in Annex XIV. These provisions do not apply retro-actively (i.e. for a substance in articles produced before the substance is included in Annex XIV no authorisation is needed).

I hope to have answered your questions.

Best regards,

David Faubel

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David Faubel
 Unit A1 - Guidance & Helpdesks
 European Chemicals Agency (ECHA)
 Annankatu 18, P.O. Box 400
 FI-00121 Helsinki
 tel: +358 (0)9 6861 8324
 e-mail: david.faubel@echa.europa.eu
 website: www.echa.europa.eu