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Brussels, 6 December 2019

TAXUD.A.4/

Note for the attention of Member States

Subject: Chemical products

Following the discussion in the Economic Tariff Question Group on 14/15 November 2019 on environmental aspects of tariff suspensions and quotas, please find herewith some basic information on chemicals from an environmental point of view.

**REACH Substance of Very High Concern (SVHC)**

More than **200** substances are identified as SVHC listed under the candidate list**[[1]](#footnote-1)**. These substances are **not yet banned** but the listing in the candidate list is a strong signal towards industry to look for alternatives. This is, because the substances may eventually be listed in Annex XIV to REACH and be subjected to risk management measures (see next section) following a prioritisation process (based on hazard properties, wide dispersive uses, tonnages).

**REACH ANNEX XIV**

Substances in Annex XIV**[[2]](#footnote-2)** (currently more than 40) cannot be used unless an **authorisation[[3]](#footnote-3)** has been granted[[4]](#footnote-4). If no alternative exists, a company can request an authorisation for a limited period of time until an alternative substance or process is available and economically feasible.

**REACH ANNEX XVII**

Under the so-called restriction procedure, not only substances and mixtures can be banned but also articles, if there is a risk to human health or the environment. The list of restrictions is included in Annex XVII**[[5]](#footnote-5)** to REACH.

**Call for information**

To facilitate discussions and accelerate the decision process, please provide in future the following information in addition to the information contained in the request for application:

1. The CAS number of the substance concerned.   
   If no CAS number should be available, another unique identification number can be provided. For mixtures, ideally the composition of the mixture should be provided to the level that it would need to be included in a Safety Data Sheet.
2. A description of the actual use.
3. Legislative status of the substance[[6]](#footnote-6), is the substance:
   1. Within the scope of the REACH regulation? (see Article 2 of REACH)
   2. included in the CLI database of ECHA?[[7]](#footnote-7) and/or ECICS?
   3. included in the candidate list (SVHC)?
   4. included in Annex XIV to REACH?
      1. If yes, is the substance covered by one of the exemptions?
      2. If the substance is not covered by one of the exemptions, is the applicant holding the corresponding authorisation to use the substance? If so, please provide the authorisation number delivered by the Commission which should also be available in the corresponding Safety Data Sheet in section 15.
   5. used as, or used in the production of a Plant Protection Product[[8]](#footnote-8) or Biocide[[9]](#footnote-9)? (including e.g. by mixing the imported substance with other components to create a Plant Protection Product or Biocide)
   6. falling under the scope of the Regulation on Persistent Organic Pollutants[[10]](#footnote-10)?
4. If the substance is covered by c), d), e) or f) please provide a justification why the substance shall benefit from tariff or quota suspensions despite the fact that the use of these substances shall not be encouraged on the basis of European policies on environmental and health protection.

1. <https://echa.europa.eu/en/candidate-list-table> [↑](#footnote-ref-1)
2. <https://echa.europa.eu/en/authorisation-list> [↑](#footnote-ref-2)
3. <https://echa.europa.eu/applications-for-authorisation-previous-consultations> [↑](#footnote-ref-3)
4. In specific cases, the authorisation may have been granted to a partner company in the supply chain. [↑](#footnote-ref-4)
5. <https://echa.europa.eu/en/substances-restricted-under-reach> [↑](#footnote-ref-5)
6. Most of this information should be included in the corresponding Safety Data Sheet [↑](#footnote-ref-6)
7. https://echa.europa.eu/information-on-chemicals/cl-inventory-database [↑](#footnote-ref-7)
8. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R1107> [↑](#footnote-ref-8)
9. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0528> [↑](#footnote-ref-9)
10. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1021> [↑](#footnote-ref-10)