REACH Regulation: four new substances in the Candidate List

Article by Philipp Reusch and Jonas Hellinger

The ECHA (the European Chemicals Agency) announced on 16 January that four new substances have been added to the REACH Candidate List. The new substances are as follows:

- Diisohexyl phthalate;
- 2-benzyl-2-dimethylamino-4’-morpholinobutyrophenone;
- 2-methyl-1-(4-methylthiophenyl)-2-morpholinopropan-1-one; and
- Perfluorobutane sulfonic acid (PFBS) and its salts.

What suppliers need to keep in mind:

With the inclusion of these substances in the Candidate List, all suppliers are subject to the following duty of notification effective immediately, with no transitional period: all suppliers of articles which contain a substance on the Candidate List above a concentration of 0.1 percent (weight by weight) are required to provide recipients of the article with sufficient information to enable safe use of the article, if such information is available to the supplier. At a minimum, they are required to specify the name of the substance.

Measuring the concentration of these substances often poses a challenge for suppliers in practice, since the concentration limit relates to each individual article within a complex product (complex products are comprised of many different individual products, e.g. a PC).

It should also be kept in mind that suppliers are also required to provide consumers with information about such substances upon request. We have already reported on a new smart phone app for consumers which serves this purpose.
Background to the Candidate List

New substances are added to the REACH Candidate List twice a year (in June and December). Substances which are included in the Candidate List are eligible for inclusion in Annex XIV of the REACH Regulation. The substances which are listed in Annex XIV of the REACH Regulation generally may not be used unless authorized based on an application.

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