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REACH REGULATION REPLACES SUBSTANCE RESTRICTIONS IN MARKETING & USE DIRECTIVE

With the official repeal of European Union Marketing & Use Directive (76/769/EEC) by REACH Regulation (EC No. 1907/2006) on 1st of June 2009, the restriction requirements on the manufacture, use or placing on market of over 50 categories of hazardous substances from 76/769/EEC have been incorporated into Annex XVII of REACH.



Here are some popular concerns of manufacturers and importers regulated presently by REACH Annex XVII:

	Restricted substance	Application
	Organostannic compounds shall not be placed on the market for use as substance and constituents of preparations when acting as biocides in free association paint.	Paintings, inks, plastic raw materials
	Phthalates DEHP, DBP & BBP are restricted to less than 0.1% in toys; DINP, DIDP & DNOP are restricted to less than 0.1% in mouthable toys	Toys, childcare products
	Azocolorants shall not be used in textile and leather garments at a concentration more than 30 ppm	Clothing, bags

(to be continued)

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	Restricted substance	Application
	Mercury compounds shall not be used in batteries and accumulators more than 0.0005% of mercury by weight.	Electronic and electrical products
	Nickel shall not be used in articles intended to come into direct and prolonged contact with skin if the rate of nickel release is greater than 0.5 µg/cm ² /week.	Earrings, necklace, garments

New restrictions have been added into 76/769/EEC early this year and are now incorporated into Annex XVII (EC No 552/2009). They are summarized in the table below:

Restricted Substances	Restrictions	Applications
Perfluorooctane sulfonates (PFOS)	- as substances or in mixtures ≥ 50 mg/kg. - in semi-finished products or articles ≥ 0.1 % by weight	Textile, leather, coated materials, non-stick cookware
2-(2-methoxyethoxy) ethanol (DEGME)	- as constituent of paints, paint strippers, cleaning agents, self-shining emulsions or floor sealants ≥ 0.1 % by weight after 27 June 2010	Additive in jet fuel, as a solvent in paints, in floor care products, in some skin creams and cleansers
2-(2-butoxyethoxy) ethanol (DEGBE)	- market for the first time as a constituent of spray paints or spray cleaners in aerosol dispensers $\geq 3\%$ by weight after 27 June 2010	Additive in jet fuel, as a solvent in paints, in floor care products, in brake fluid, and in some skin creams and cleansers.
Methylenediphenyl diisocyanate (MDI)	- in mixtures ≥ 0.1 % by weight after 27 December 2010	Adhesives, coatings, flexible & rigid foam, polyurethane resin & spandex fibers
Cyclohexane	- market for the first time as a constituent of neoprene-based contact adhesives ≥ 0.1 % after 27 June 2010	Solvent for lacquers and resins; paint & varnish remover
Ammonium nitrate (AN)	- market for the first time as substance, or in mixtures that contain > 28 % of nitrogen for use as a solid fertilizer after 27 June 2010	Herbicides and insecticides

REACH allows Member States to maintain more stringent restriction requirements

On top of the above mentioned restriction requirements, individual member state may maintain existing and more stringent national requirements on the use of certain restricted substances. For example, Netherlands have prohibited the use of creosote oil & other petroleum distillates in treated-wood (1999/832/EC, 2002/59/EC & 2002/884/EC) and Short Chain Chlorinated paraffin (SCCP) as flame retardants in rubber, plastic or textiles; or as plasticizers in paints, coatings or sealants (2007/395/EC); which shall remain effective until 1 June 2013.



Upcoming Restrictions

More restriction requirements are to be expected as a new procedural process is implemented for which EU Member States, the European Commission, or the European Chemicals Agency (ECHA) can propose a new restriction for the manufacture, placing on the market or use of a dangerous substance, as such, or in preparations or in articles when they conceive there exists an unacceptable risk of a substance to human health or to the environment.

France and Norway are going to propose six chemicals in 2010 for restrictions under certain conditions¹. The six chemicals are:

- Phenylmercuric octanoate
- Phenylmercury acetate
- Phenylmercury neodecanoate
- Phenylmercury propionate
- Dimethylfumarate
- Lead and its compounds

Manufacturers and importers shall be aware of all these restriction requirements in order to sustain business in the EU market.

¹ See [ECHA Registry of Intentions for Annex XV Dossiers](#)



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