

Reproduced with permission. Published February 18, 2020. Copyright © 2020 The Bureau of National Affairs, Inc. 800-372-1033. For further use, please visit <http://www.bna.com/copyright-permission-request/>

Major EU Hazardous Chemicals Tracking Database Unveiled

Companies are getting their first glimpse of a pending European Union plan for tracking hazardous chemicals.

The European Chemicals Agency on Monday [published](#) a beta version of a database to which test notifications of hazardous chemicals in products sold on the EU market can be submitted. The notifications will be mandatory in less than a year, beginning Jan. 5, 2021.

The requirement is intended to flag the hazardous chemical content of products so that they can be managed more easily when they become waste. The goal is to help waste treatment operators better separate and recycle materials.

Affected products will include automobiles, electronics and electrical equipment, appliances, furniture, textiles, and cleaning products.

“This new requirement cannot be underestimated, as key data required are not communicated in the supply chain today,” Tim Becker, senior legal adviser at chemicals consultants REACHLaw, said.

“We believe there is a high level of unawareness” of the new obligation, which could prove challenging in particular for companies supplying complex goods, such as machinery or vehicles, he said.

Waste Rule The requirement was introduced by a 2018 revision of EU waste laws. It applies to companies that place products on the EU market, a designation that covers manufacturers, assemblers, importers and distributors, but not retailers.

If products contain a hazardous chemical above 0.1% by weight, companies would have to submit notifications identifying the substance and where it can be found in the product. They also must provide safe-use information.

For the purposes of the rule, hazardous substances are considered to be the 205 chemicals that have so far been designated substances of very high concern under the EU’s REACH law (Regulation No. 1907/2006, Registration, Evaluation, and Authorization and Restriction of Chemicals).

“The potential scope of the duty is huge, because it applies to EU suppliers of articles in many industry sectors, and at each step of the supply chain,” Becker said.

“There is little time available to set up a functioning database and allow the global supply chain to contribute its data in time for the January 2021 compliance deadline,” said Axel Baschnagel, a spokesman for LightingEurope, which represents national associations and companies including OSRAM Licht AG, Panasonic Corp. and Signify NV.

“The provision and maintenance of the proposed level of data will be a significant effort,” and companies haven’t been given enough time to run tests against the requirements, said Lara Visser, senior policy manager for sustainability at DigitalEurope, which represent companies including Bosch GmbH, Dell Inc. and Samsung Group.

Enforcement Concerns The database, known as SCIP, or the database of substances of concern in products, will overlap with a requirement under REACH for manufacturers and importers of products to notify REACH of hazardous chemicals in their products.

That obligation is seen as one that few companies comply with, Alice Bernard, a lawyer with the environmental law nonprofit organization ClientEarth, said. There have been few notifications, and it isn’t enforced much, she said.

The SCIP waste database “has great potential” to track substances in products and to identify products where the presence of hazardous chemicals is little known, but “the issue will be whether there is strong enforcement,” she said.

Much as with REACH, enforcement of the obligations of EU waste rules is the responsibility of authorities in EU countries.

“We fear that the levels of compliance will be very low. For this reason, strong and dissuasive enforcement by the member states is critical,” Tatiana Santos, chemicals policy manager at the European Environmental Bureau, a network of environmental organizations, said.

BY STEPHEN GARDNER

To contact the reporter on this story: Stephen Gardner in Brussels at correspondents@bloomberglaw.com