

Statement concerning Glass, Glass articles and the EU REACH Regulation

February 2009

The following statement is intended to clarify the approach of the European Glass Industry, represented by the “Comité Permanent des Industries du Verre Européennes” (CPIV) with respect to the EU REACH Regulation (1907/2006/EC) of 18 December 2006¹.

CPIV represents twenty national and sectoral European glass industry manufacturers' associations in Brussels. The EU glass industry is made up of about 1,300 companies (producers and processors), with a total turnover of about € 39 billion and a volume of 37.5 million tonnes of glass (EU-27 in 2007). More information can be found under: www.cpivglass.be.

The glass industry is very diverse and covers a wide variety of very different technologies and products, including container glass, flat glass, continuous filament glass fibre, insulation glass wool, optical fibres and special glass (glass for televisions and monitors, lighting glass (tubes and bulbs), optical glass, laboratory and technical glassware, ceramic glasses (cookware), X-Ray and nuclear radiation protection glasses...).

The European Glass Industry, with very few exceptions, puts glass articles² on the market. These articles are not intended to release any substances and therefore do not fall under Article 7.1 of the EU REACH Regulation.

With respect to compliance with Article 7.2 of REACH, it is necessary to understand the status of glass (e.g. substance, preparation, outside the scope, exempted).

In June 2008, the EU Commission and the Member States have come to a political compromise, that even though “*Glass is the state of a substance rather than a substance as such*”³, for legislative reasons glass should be treated as a UVCB substance. A UVCB substance is a substance of “unknown or variable composition, complex reaction products or biological materials”.

¹ Regulation of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:396:0001:0849:EN:PDF>)

² Guidance on requirements for substances in articles – ECHA May 2008

³ 4th Meeting of the Competent Authorities for the implementation of Regulation (EC) 1907/2006 (REACH) 16-17 June 2008

Subsequently the EU Commission prepared an exemption for glass under Annex V of the REACH regulation⁴. In addition, draft guidelines⁵ explaining the exemption text were published and further guidelines are expected to be published by the EU Commission/ECHA before June 2009. For glass covered under Annex V (11) no pre-registration or registration is required.

In the meantime, CPIV has published its own interpretation of the criteria to exempt glass under Annex V. This paper, available upon request, was sent to the Commission and ECHA on the 9th of July 2008.

CPIV advised the glass industry to pre-register, if in any doubt over the interpretation of the exemption text. It is the position of the European glass industry that most glasses that have been pre-registered by glass manufacturers are exempted, but to wait until clarification either in the expected guidelines or directly by the ECHA or within the glass pre-SIEF, before taking any decision on the necessity to register glass.

According to Article 33 of REACH, the supplier of an article containing a substance listed on the so called “candidate list” of substances of very high concern (published by ECHA under http://echa.europa.eu/chem_data/candidate_list_table_en.asp) in a concentration above 0.1 % weight by weight shall provide the recipient of the article or the consumer with certain information. As explained above, glass is regarded as a substance under REACH. The articles made by the glass industry consist of the substance glass, which is not on the “candidate list” and can be assumed never to be on it. Thus, there is no duty under Article 33 to communicate information on substances in articles for articles made entirely of glass.

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⁴ COMMISSION REGULATION (EC) No 987/2008 of 8 October 2008 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes IV and V

⁵ http://ec.europa.eu/environment/chemicals/reach/pdf/com_rev_anx_V_guidance_en.pdf