



Orgalime guideline on how to implement Article 33 REACH information requirements to industrial customers down the supply chain and to consumers

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Background to the guideline

This guideline is meant to help suppliers of articles (e.g. products, parts, equipment, packaging) to fulfill the information requirements foreseen in Article 33 of the Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and restrictions of Chemicals ([REACH](#)), by providing recommendations and suggested phrases. It also refers to an electronic format (IEC PAS 61906:2005) that may be used to communicate information according to Article 33 REACH.

Article 33(1) REACH requires that the supplier of an article communicates to the recipient of the article (industrial customer) sufficient information available to him on certain substances present in the article in order to allow safe use, including as a minimum, the name of the substance. Article 33(1) REACH applies to substances in articles meeting all the following criteria:

- The substance is identified as of very high concern according to Article 57 REACH.
- The substance is included in the candidate list for inclusion in Annex XIV REACH.
- The substance is present in the article in a concentration above 0.1% weight by weight (w/w).

According to Article 33(2) REACH, the information requirement shall extend to consumers upon request. The information must be provided free of charge within 45 days of receipt of the request.

Article 33 REACH applies as soon as a substance has been included in the candidate list. The first candidate list has been officially published on 28 October 2008 and contains 15 substances which have been identified as of very high concern. The candidate list will be periodically reviewed by the European Chemicals Agency (ECHA). Further information about the candidate list is available here:

http://echa.europa.eu/chem_data/candidate_list_en.asp

More information about the REACH Regulation is available in the *Orgalime practical guide for downstream users, article producers and articles importers for understanding REACH (May 2008)*. It is downloadable free of charge here: <http://publications.orgalime.org/>.

1) How do I provide required information according to Article 33 REACH to my industrial customers and consumers?

There are different ways of providing information to the supply chain according to Article 33(1) REACH. The information may be transmitted automatically to the industrial customer via e.g.

- Electronic means.
- Explicit, easily accessible information included in the product literature.
- Reference to a webpage in the product literature containing up-to-date information.

Regarding the information requirements according to Article 33(2) REACH, the information to be provided to consumers at their request can be provided in a number of ways, for example:

- Electronic information delivered to the retailer.
- Explicit information in the product literature, in so far as the upstream supplier has provided them.
- Webpage indicated in the product literature containing up-to-date information.

What is important is that the information is readily available.

Please also take note of the following considerations:

- When communicating information according to Article 33 REACH, it is recommended to refer to the name of the substance which is used in the candidate list.
- Information on the safe use of the article to be provided on the packaging or in user manuals or in the product description are already required according to existing product safety legislation applying to Orgalime industries (e.g. Directive 2001/95/EC on General Product Safety).
- Even if not required by Article 33 REACH, suppliers may, on a voluntary basis, also communicate on the absence of substances included in the candidate list above a concentration of 0.1% weight by weight in order to:
 - Avoid receiving repeated requests.
 - Reassure industrial customers and consumers that the information requirement according Article 33 REACH has been investigated.

2) Suggested language to be used when communicating in the context of Article 33 REACH information provisions

Preliminary remarks

- Suppliers of articles have the legal obligation to keep themselves informed about the status of the candidate list and automatically inform their industrial customers in case Article 33(1) REACH applies. Suppliers of articles must not wait for the request of their industrial customers to communicate information. Industrial customers may send requests to their suppliers on a voluntary basis though (see *Orgalime Guideline on how to communicate up the supply chain - model letter*, available for free from Orgalime [member associations](#)).
- The information to consumers (Article 33(2) REACH) has to be delivered within 45 days, provided that it was requested by the consumer, in accordance with the provisions of REACH. There is no such obligation to “automatically” transmit information, as is the case for Article 33(1) REACH.
- Important to remember is that packaging is considered as an article and therefore information under Article 33 REACH relates to both the article itself and the packaging.
- *ECHA guidance on requirements for substances in articles* (May 2008) p. 17 clarifies that Article 33 REACH information requirement applies to articles which are supplied after the publication of the candidate list. While these articles may have been imported or produced prior to the publication of the candidate list, it is the date of supply of the article which is relevant.
- The calculation of the 0.1% w/w threshold value is to be based on the weight of the whole article.

Suggested phrases

In case the information has to be automatically provided to an industrial customer as soon as the candidate list has been published, communication may start as follows:

“The candidate list according to Article 59 of the Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and restrictions of Chemicals (REACH) has been published on 28 October 2008. We are aware about the legal obligations this publication triggers, that is the information requirements according to Article 33(1) REACH and will comply with them”.

In case a request has been made by a consumer or an industrial customer, the standard reply may start with the following phrase:

“We thank you for your request regarding the application of Article 33 of the Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and restrictions of Chemicals (REACH) further to the publication of the candidate list according to Article 59 REACH on 28 October 2008. We are aware about our legal obligations and will comply with them”.

If Article 33 REACH applies, the next paragraph may read as follows:

“Current knowledge available to us on the presence of substances included in the candidate list above a concentration of 0.1% weight by weight in our articles is as follows: {to be completed, at least the name of the substance must be mentioned}. We are in constant dialogue with our suppliers in order to gather further information.”

The following additional phrase may be added, if relevant:

“Information on the safe use of the article is available ... {to be completed}”

Further information on the substances present in article and subject to Article 33(1) REACH may be provided on a voluntary and case by case basis. It may also be subject to contractual arrangements.

Alternatively, if the article does not contain substances included in the candidate list above a concentration of 0.1% w/w, the following phrase may be used on a voluntary basis:

“The article contains none of the substances included in the candidate list published on 28 October 2008 on http://echa.europa.eu/chem_data/candidate_list_table_en.asp above a concentration of 0.1% weight by weight”.

Suppliers of articles have to adapt their communication:

- If new information is made available to them from upstream suppliers for example.
- If an updated version of the candidate list is published.

3) Electronic communication of information according to Article 33 REACH

The communication of information via an electronic format may be used, based on already existing data exchange formats.

IEC PAS 61906:2005 “procedure for the declaration of materials in products of the electrotechnical and electronic industry” defines a process to provide information about materials in (hardware) products (articles).

We recommend using the IEC PAS 61906:2005 for the electronic communication of data according to Article 33 REACH. The IEC PAS is available here:

<http://webstore.iec.ch/webstore/webstore.nsf/artnum/034398>