

## BEUC comments to

### **Database on Candidate List substances in articles for waste operators and consumers' (Doc. CA/57/2018)**

Under the revised Waste Framework Directive (WFD) (Directive 2008/98/EC), the co-legislators have tasked the European Chemicals Agency (ECHA) with the creation of a database of Candidate List substances in articles for waste operators and consumers (The 'Database'). **BEUC, The European Consumer Organisation welcomes this decision which offers a timely opportunity to increase the information available to consumers about chemicals of concern in the products they buy.**

REACH obliges producers and importers to notify to ECHA Candidate List substances present in their articles. This information is essential to support identification of areas where additional risk management measures may be needed to protect consumers. ECHA has nonetheless [observed](#) that "the number of [such] notifications remains worryingly low" while the second REACH review clearly [demonstrated](#) that communication of information in the supply-chain urgently needs to improve. BEUC has likewise previously [documented](#) that consumers experience severe difficulties in accessing information about substances of very high concern (SVHCs) present in products as companies rarely have sufficient knowledge of their obligations under Article 33(2) of REACH.

**When developing the Database, ECHA should ensure that it is designed to correct these shortcomings:** efficient supply-chain communication is necessary for economic operators to implement appropriate risk management measures, and for suppliers to respond to consumer requests under Article 33(2). **Information on SVHCs in articles however remains woefully incomplete. This situation *de facto* curtails the consumer's right to know,** while also hampering risk management of chemicals during waste recovery processes and the promotion of non-toxic materials cycles. Reinforcing compliance with Article 7(2) of REACH and improving the availability of information on SVHCs in articles is therefore crucial for a successful circular EU economy.<sup>1</sup> Consequently, **BEUC strongly urges ECHA to develop the Database with a view to achieve the general REACH objectives on Candidate List substances, including their substitution with safer alternatives.**

In particular, BEUC recommends that ECHA

- **Takes an ambitious, forward-looking approach** when developing the Database. The Candidate List is a living list of substances of very high concern. ECHA needs to establish a notification portal that will facilitate tracking of substances that could be included on the Candidate List in future. As a minimum, this should include substances falling within the definition(s) of substances of concern identified in the Commission [Communication](#) on the interface between chemicals, product and waste legislation.
- **Ensures the Database is accessible for consumers at the point of sale**, including through an easy-to-use search interface. This interface should aim to enable informed consumer choice by allowing comparisons across and within product groups or categories, e.g. furniture or textiles. To this end, a unique article identifier (such as

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<sup>1</sup> See further BEUC, *How to Detoxify the Circular Economy*, July 2017. Available at: [http://www.beuc.eu/publications/beuc-x-2017-084\\_how\\_to\\_detoxify\\_the\\_circular\\_economy.pdf](http://www.beuc.eu/publications/beuc-x-2017-084_how_to_detoxify_the_circular_economy.pdf)

e.g. batch or model number), in addition to producer and brand names, is likewise needed for all notified articles. The Database further needs to provide consumers with *sufficient* information, presented in an appropriate format, to allow safe use of the article.

- **Collaborates with the AskREACH project** to ensure that the two databases cross-feed each other with information about SVHCs in products. Cooperation will strengthen both projects, thus promoting compliance with REACH, while enhancing information available to consumers.
- **Promotes communication about SVHCs in articles across the supply-chain.** The Database should require notification of SVHCs in articles at all steps of the supply-chain, from initial manufacture to final sale to the consumer and the eventual waste phase. A technical solution can be found to handle possible duplicate notifications.

**BEUC further encourages Member States when transposing the revised WFD to establish sufficient incentives, including clear, dissuasive penalties, to ensure that economic operators provide the information to ECHA required by REACH.** A harmonised approach to reporting information to the ECHA would be preferable. Once established, Member States should use the information available in the Database to guide their enforcement activities, e.g. to identify product groups or categories for systematic compliance checks.

BEUC looks forward to working with ECHA on the future development of the Database.

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