

Ministry of Environment and Food  
The Danish Environmental Protection Agency



**Art. 33.2 REACH**  
Duty to communicate information  
on substances in articles  
An Enforcement Project

## Art. 33.2 REACH

### Duty to communicate information on substances in articles

Companies that market articles containing Candidate List substances in a concentration above 0.1 % weight by weight in the individual parts have an obligation to inform a consumer about the content if asked (as a minimum the name of the substance(s)).

The consumer must receive an answer within 45 days.

If the article does not contain above 0.1 % Candidate List substances , the company is not obliged to answer.

Articles that contain Candidate List substances are not necessarily hazardous, but consumers may want to avoid such substances due to their undesirable properties.

*(The Candidate List includes substances of very high concern such as certain phthalates, brominated flame retardants, perfluorinated compounds etc.)*

## Art. 33.2 REACH

### Duty to communicate information on substances in articles

Covered by duty to inform:

Articles such as; furniture, clothing, toys, bicycles, electronics, tools, etc.

Not covered by duty to inform:

Substances and mixtures such as; household chemicals, paints, detergents, cosmetics and food.

*Consumers can ask about the content in the packagings*

## Art. 33.2 REACH

### Information campaign directed at consumers

- The Danish Environmental Protection Agency and the Danish Consumer Council have launched (in 2014) a joint information campaign targeted at consumers about Candidate List substances in articles.
- The purpose of The Campaign “Tjek Kemien” (“*Check the Chemistry*”) is to direct focus on consumers' right to information and to help them obtain that information.
- A website, a database and a mobile app that make it easy for consumers to find information about the Candidate List substances in articles have been created in connection with the campaign.

## Art. 33.2 REACH

### ”Check the Chemistry” mobile application

An application has been developed for mobile devices such as smartphones and tablet computers (*”Check the Chemistry” app*)

The app allows consumers to enter/scan the barcode of an article.



Through a search in the database (GEPiR), an email is send automatically to the manufacturer (the company responsible for the barcode) with a request about any Candidate List substances in the article.

The company replies to the email and the reply is forwarded to the consumer.



For articles already in the database, the consumers receives a reply immediately.

# Enforcement project - Compliance with art. 33.2

## Scope of the project:

- Articles must be uniform and simple in their composition (the definition of 0,1 % content must be clear)
- The articles must be available to private consumers
- The articles must come from different suppliers
- The articles must have a bar code and a GTIN code (Global Trade Item Number)

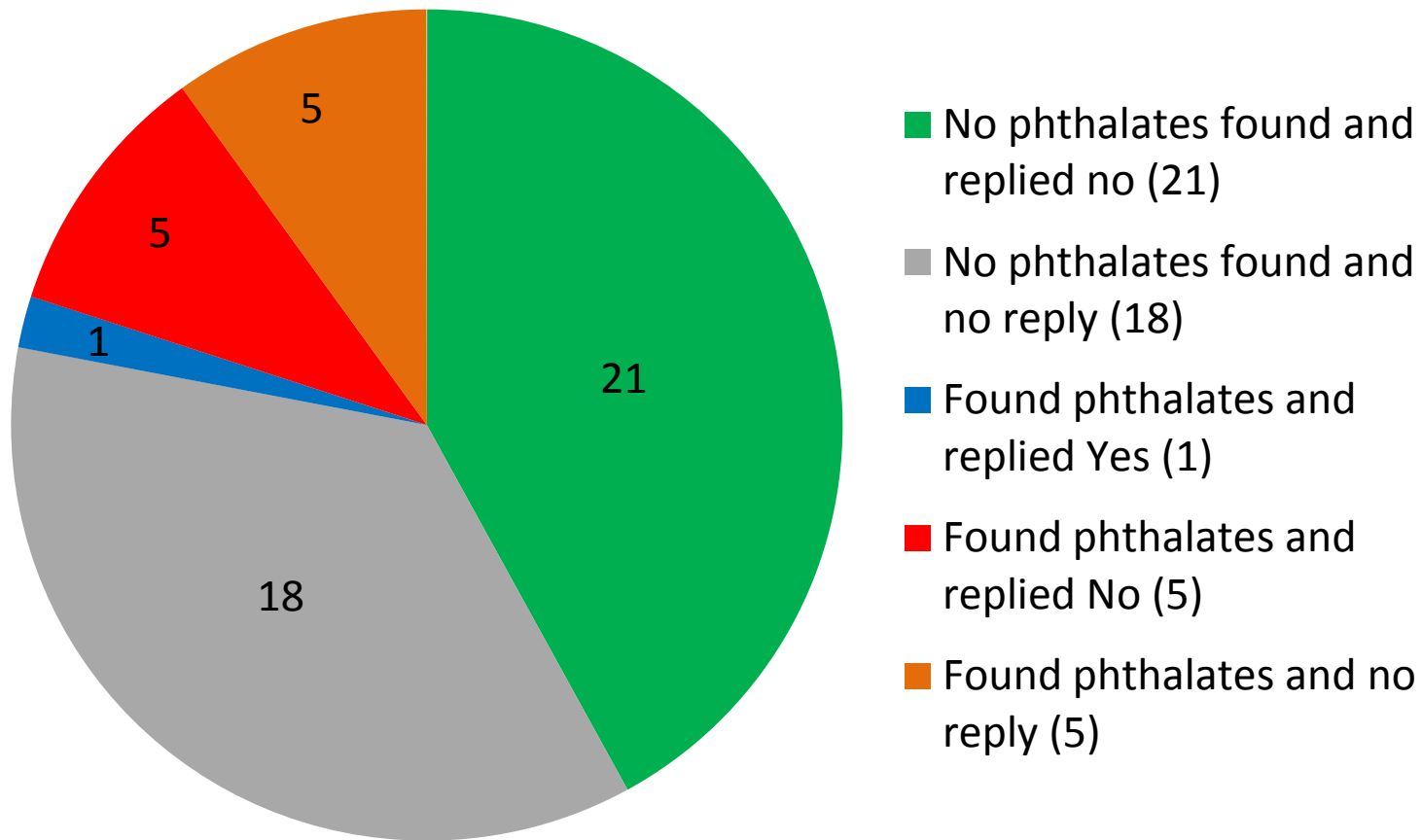
# Enforcement project - Compliance with art. 33.2

## Scope of the project:

- 50 articles made of PVC plastic were selected and analysed for the content of 12 phthalates on the Candidate List
- A request was send to the manufacturers (the companies responsible for the barcode) by scanning the barcodes of the products using the mobile app (*“Check the Chemistry” app*)
- Results from the lab analysis (for 12 ftalates) was compared with the replies from the scans.

# Enforcement project - Compliance with art. 33.2

## Results from the analysis and the scans



n = 50



# Enforcement project - Compliance with art. 33.2

11 products contained > 0,1% phthalates (had a duty to inform)

- 5 replied "no"
- 5 did not reply
- 1 replied yes (confirmed the content of phthalates)

2 scans (of these 11) did not reach the manufacturers (the companies responsible for the barcode) due to IT problems and outdated email adress.

Migration analysis was performed of selected articles. They did not pose a risk to consumers.

Some articles contained DEHP and DBP and can be subject to authorisation.

Those cases were send via RIPE to Germany, Holland and Italy.

## Enforcement project - Compliance with art. 33.2

39 products did not contain > 0,1% phthalates (had no duty to inform)

- 21 companies replied to the scans even though they were not obliged to do so.

Remaining 18 (no phthalates and no reply) :

- 5 scans did not reach the manufacturers (the companies responsible for the barcode) either due to wrong email addresses or reasons unclear.
- 3 companies chose not to reply
- For 10 companies it was not possible to confirm if they received the scans (these 10 companies were from outside Denmark)

# Enforcement project - Compliance with art. 33.2

Thank you

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