# REACH for Companies Exporting Brass to Europe

Ensuring the safety and regulatory compliance of brass raw materials and finished articles is a global priority, particularly with respect to the presence of lead (Pb). This piece addresses key questions regarding the European Union (EU) REACH regulation for non-EU companies exporting semi-fabricated and finished brass products to Europe.

## What is REACH?

REACH is an EU regulation concerning the Registration, Evaluation, Authorization and Restriction of Chemicals. REACH was enacted in 2007 to improve the protection of human health and the environment from risks posed by chemicals, and to enhance competitiveness of the EU chemicals industry. REACH is administered by the European Chemicals Agency (ECHA).

## What is the geographic scope of REACH and how is it enforced?

REACH applies to the 27 Member States of the EU and the EU Economic Area. In this document, "EU" also covers Iceland, Liechtenstein and Norway. Enforcement is implemented by the Member States with penalties for non-compliance (e.g. fines).

## How is REACH applied to materials and products that contain chemicals?

REACH defines and covers distinct requirements and communication obligations for "substances", "mixtures" and "articles" described below. This document focuses on requirements for articles.

Substance: chemical element and its compounds in the natural state or the result of a manufacturing process (e.g. lead metal including impurities)

Mixture: composed of several substances (e.g. brass and bronze ingot/billet/slab)

Article: an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition (e.g. brass rod/bar, brass fittings/valves)

## How are semi-fabricated and finished brass products considered under REACH?

In general, brass semis (e.g. rod, bar, strip, etc.) and finished products can be defined as articles under REACH and therefore are not subject to REACH registration.

## What are the REACH obligations for non-EU companies exporting brass to the EU?

Technically, none. Responsibility lies with the importers established in the EU. However, EU-importers rely on their non-EU suppliers to provide information needed to fulfill their REACH obligations. Alternatively, non-EU suppliers have the option to appoint an "Only Representative" that takes on full responsibility and liability for fulfilling REACH obligations on behalf of the importing company(s) (click HERE for more).

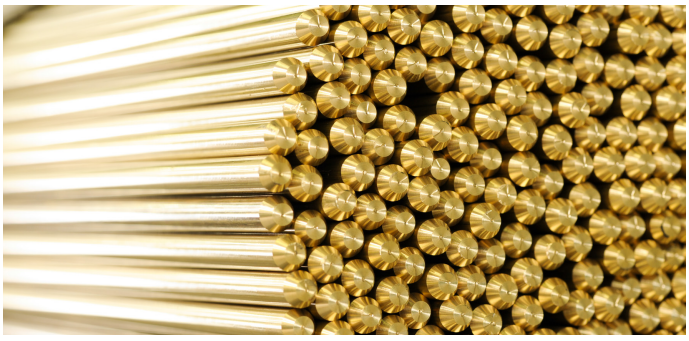
## What are REACH "Substances of Very High Concern" (SVHC)?

Substances with specific hazard properties (e.g. carcinogenic or reprotoxic) may be identified as SVHC under REACH. Once a substance is identified as SVHC, it is added to the "Candidate List", triggering communication obligations for suppliers of the substance, or mixtures and articles containing the substance.

## Lead metal was added to the SVHC Candidate List in June 2018. How does that impact brass?

Some brass alloys contain a small amount of lead as either an intentional alloying element (e.g. to enhance machinability), or as an impurity introduced by recycled content. Your brass customers in the EU may have legal obligations resulting from the inclusion of lead in the SVHC Candidate List.

If the brass articles you are exporting to the EU contain lead above 0.1% w/w, your EU-customers may need to provide information to their customers and end-consumers in the EU on how to use the brass article safely. The EU importers may also need to notify ECHA that they are importing your articles. In parallel, a regulatory process is underway to determine how risks associated with exposure to lead metal can be better managed through the process of REACH "Authorization".



## How does REACH "Authorization" work?

The ultimate goal of Authorization is to progressively replace SVHCs with safer alternatives where feasible. Candidate List substances undergo a prioritization process for inclusion on the "Authorization List" (Annex XIV). Once added to Annex XIV, a "sunset date" is established after a transition period. After the sunset date, companies in the EU cannot use the substance, nor mixtures containing the substance above defined concentration limits, without an explicit Authorization.



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## What happens if lead (Pb) is added to the Authorization List (Annex XIV)?

The earliest sunset date would be in 2024 with a requirement for EU-companies to file Authorization applications 18 months before the sunset date. Companies in the EU wishing to continue to use, import or supply lead metal would need to apply for Authorization by demonstrating either that the risks are adequately controlled or that the socio-economic benefits of continued use outweigh the risk. Applicants must also analyze if there are safer suitable alternative substances or technologies and prepare substitution plans or provide information on appropriate activities to research and develop such alternatives.

## Would brass article imports be subject to Authorization?

No, but Member States or the EU Commission could initiate actions to restrict specific uses for which there is a community-wide risk identified. A restriction can also be proposed on putting articles on the market (including imports) containing Annex XIV substances.

## How does REACH "Restriction" work?

Restriction sets forth procedures to regulate the manufacture, use, or market placement of substances when community-wide risks are deemed unacceptable. Candidate List SVHCs can be added to the "Restriction List" (Annex XVII) which can impose limitations and specific use conditions to manage risks that are not otherwise sufficiently controlled. Restriction may consider existing legislation regulating the use of the substance in question to minimize overlap. Unlike Authorization, article imports can be in-scope of a Restriction.

## What limits for lead (Pb) in brass articles trigger REACH communication obligations?

For massive articles (e.g. rods, bars, finished parts), >0.1% lead w/w triggers Article 33 and possibly Article 7 communication obligations. For complex objects made of more than one article joined or assembled together, the 0.1% limit applies to each individual article (e.g. a brass nut in a faucet).

## How do I fulfill the Article 33 communication obligation?

For non-EU producers of articles containing lead >0.1% w/w, your importing customers in the EU need to provide information to allow for "safe use" of the articles. At minimum, the importer must disclose the name of the substance (lead) and its inclusion on the most recent update of the Candidate List. For industrial customers, the communication must be sent proactively in writing at no charge. For end-consumers, the information must be sent reactively within 45 days of a request. Importers must also submit data to the "SCIP database" by January 5, 2021.

## What is the SCIP database and what does it require?

The SCIP database is a new tool that makes information on articles containing Candidate List substances available throughout the entire lifecycle of products and materials. Non-EU brass suppliers cannot submit SCIP notifications, but should support EU importers of their articles that contain >0.1% w/w lead in fulfilling this task. Information requirements include article identification, name, concentration and location of Candidate List substance(s) in the article, and safe use information. The SCIP submission window opens at the end of October 2020, with the legal obligation taking effect on January 5, 2021. For more on the SCIP database and requirements, see https://echa.europa.eu/scip-support.

## How do I fulfill the Article 7 communication obligation?

If the lead metal in the brass articles exported to EU totals more than one tonne per importer per year, and if lead metal is present in the article above 0.1% w/w, the importer must notify ECHA unless an exemption applies. Information must include:

- Identity and contact details of the company/legal entity
- Identity of lead metal and its REACH registration number
- Tonnage range of lead in the notified brass article(s)
- Brief description of the use(s) of lead in the article(s) and uses for which they take responsibility, including downstream uses

## Does this change how brass can be used now?

Lead metal, like copper, are REACH-registered substances, meaning safe use conditions were defined in their respective Chemical Safety Reports under REACH. The inclusion of lead in the Candidate List does not imply that these safe use conditions have changed. Current applicable health and safety legislation in the workplace remains unchanged as do current regulatory exemptions for leaded brass used in EU end-markets such as electrical equipment (Restriction of Hazardous Substances Directive) plumbing components (Drinking Water Directive) and automobiles (End-of-Life Vehicle Directive).

## What happens next?

A process is underway to determine if lead metal should be prioritized for inclusion on the REACH Authorization List. Prioritization decisions involve a scoring process using criteria such as intrinsic properties, tonnages and wide-dispersive use. Lead metal was not prioritized during the 2020 consultation, but may be considered in future consultations.

## What is the Copper Alliance doing to support the continued use of brass in Europe?

The Copper Alliance is monitoring developments and is actively engaged in addressing the regulatory processes of prioritization for Authorization. We aim to demonstrate to regulators the societal benefits and criticality of lead metal and brass for the EU.

## Where can I find more information?

REACH & CLP for non-EU companies
Getting started: EU chemicals legislation
ECHA Candidate List Obligations

## Who can I contact for help?

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