

Information to companies about

Article 33 in REACH and "Tjek Kemien"



Duty to inform about Candidate List Substances in articles

Enterprises in the EU, which distribute articles containing quantities of Candidate List substances of more than 0.1% weight by weight, are obliged to give information, if they are asked by a consumer. This is according to Article 33 of the REACH Regulation, which also states that consumers must have a reply within 45 days. At the same time, sufficient information for safe use of the article must also be provided.

Note that the 0.1% content of Candidate List Substance should be calculated separately for each part of a complex article.

Enterprises in the EU, which supply articles to business customers, are obligated to inform these customers about the content of Candidate List Substances on delivery. This means that there is an obligation to provide information throughout the supply chain from the manufacturer to the retailer and finally to the end user of a product. Companies receiving articles from EU suppliers are entitled to obtain this information, and companies that import from outside the EU should impose the same requirements on their suppliers.

What are Candidate List Substances?

The Candidate List is the list kept by the European Chemicals Agency of Substances of Very High Concern. The list is updated twice a year, and is available at: <http://echa.europa.eu/eng/candidate-list-table>. Candidate List Substances include certain phthalates, brominated flame retardants, perfluorinated compounds etc.

If an article contains substances on the Candidate List, this does not necessarily imply that it poses a risk, but consumers may want to avoid the substances because they have undesirable properties.

More information

Find out more about the Candidate List and about the obligations of enterprises at the Danish EPA's website:

http://mst.dk/media/mst/9106895/guidance_for_suppliers_of_articles_en.pdf

or on the European Chemicals Agency's website: <http://echa.europa.eu/da/regulations/reach/authorisation/the-candidate-list>

If you have more questions about REACH and the Candidate List, ask the Danish EPA REACH helpdesk: reachspm@mst.dk.

These products are covered by the legislation

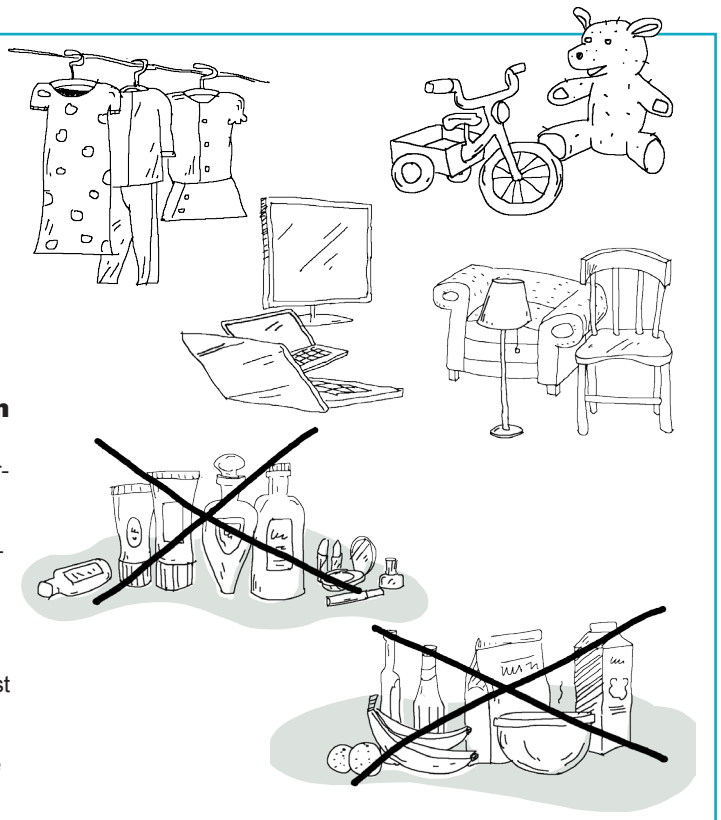
The duty to inform about Candidate List Substances, apply to products with a solid form - known as articles - e.g. furniture, clothing, electronics, toys and packaging.

If you receive a query for a product in one of these categories, we recommend that you specify which Candidate List Substances both product parts and packaging contain respectively. If your answer, that the product does not contain Candidate List Substances, you shall have the assurance that this applies to both product and packaging.

These products are NOT covered by the legislation

Chemical mixtures such as cosmetics, cleaning agents, household products, paint etc. are not covered by the duty to inform/Article 33 in REACH, and neither are food and medicinal products. These products are covered by other legislations, such as legal requirements for a complete list of ingredients on the label. However, the obligation in Article 33 still applies for the packaging of these products.

If you receive a query for a product in one of these categories, we recommend that you specify whether there are Candidate List Substances in the packaging, and in order to avoid the risk of misleading marketing, abstain from providing information about the product itself (or clearly specify what information apply to the packaging and the product respectively).



About Tjek Kemien

Tjek Kemien was launched in 2014 by The Danish EPA and the Danish Consumer Council. The aim of Tjek Kemien is to increase the awareness of Candidate List Substances, and to make it **easier for both companies and citizens to share information about the content of these chemicals** in articles.

In order to facilitate the flow of information between citizens and enterprises, a mobile app was developed. Here, **consumers can enter or scan the barcode on a product and thus send a request for information** on the content of Candidate List Substances in the product to the supplier (the owner of the barcode), instead of asking in the store.

The app is associated with a database, which enables companies to save their answers. When a company enters its reply, the information is saved in the database and linked to the barcode of the article. This means that **when the next consumer scans the same article, he/she will immediately receive the reply stored in the database**, without having the company to do anything.



Use Tjek Kemien to market yourself

A number of enterprises have used the database as part of their green marketing profile because they can reply “no” to whether there are Candidate List Substances in their products. As an enterprise you can register as many products/articles in the database as you like, even if there is no direct request. In this way you will be helping potential customers to get an immediate reply, when they scan the barcode on your products. Companies can also use the queries to emphasize the importance of good chemistry in their supply chain.

How to use the Tjek Kemien database

Registration of a reply in the database

The query letter that is sent when a product is scanned, includes a guidance on how the company should respond to the enquiry. If your company wants to register products in the database in advance, you can register as a user of the database on <https://productmanagement.tjekkemien.nu> and follow the instructions here. If you want to register entire barcode series please contact GS1 at kontakt@tjekkemien.nu.

Updating the replies in the database

It is the company's responsibility to keep the answers in the database correct. The information in the database must be updated, if the content of Candidate List Substances in a product changes. To remind the enterprise of this responsibility, Tjek Kemien will automatically send an e-mail to the company every time a registered product is scanned again. In addition, Tjek Kemien will send an email to all registered enterprises every six months, when the Candidate List is updated. As a company, it is your responsibility to change an uploaded answer if the product contains some of the new Candidate List Substances in a quantity of more than 0.1%. You can edit the registered answers by logging in to the Tjek Kemien database, where you also can see statistics of how often the registered products are scanned.

Use of data in the database

The registered answer in the database are shown to consumers enquiring the product. The data can only be accessed by GS1, which manages the server, and by the company itself.

Help us ensuring the quality of Tjek Kemien

Scan a product with one of your own barcodes and check whether the query from Tjek Kemien is sent to the right employee in the company.

More information about Tjek Kemien

If you have questions about Tjek Kemien, you can read more at website www.tjekkemien.dk/hjaelp-til-virksomheder/information-english, or enquire at the Danish EPA mst@mst.dk or at the Danish Consumer Council kemi@fbr.dk.

TJEK KEMIEN

- check the chemicals in your products