

Statement concerning Glass, Glass articles and the EU REACH Regulation

September 2008

The following statement is intended to clarify the approach of the European Glass Industry, represented by the “Comité Permanent des Industries du Verre Européennes” (CPIV) with respect to the EU REACH Regulation (1907/2006/EC) of 18 December 2006¹.

CPIV represents twenty national and sectoral European glass industry manufacturers' associations in Brussels. The EU glass industry is made up of about 1,300 companies (producers and processors), with a total turnover of about € 39 billion and a volume of 37.5 million tonnes of glass (EU-27 in 2007). More information can be found under: www.cpivglass.be.

The glass industry is very diverse and covers a wide variety of very different technologies and products, including container glass, flat glass, continuous filament glass fibre, insulation glass wool, optical fibres and special glass (glass for televisions and monitors, lighting glass (tubes and bulbs), optical glass, laboratory and technical glassware, ceramic glasses (cookware), X-Ray and nuclear radiation protection glasses...).

The European Glass Industry, with very few exceptions, puts glass articles² on the market. These articles are not intended to release any substances and therefore do not fall under Article 7.1 of the EU REACH Regulation.

With respect to compliance with Article 7.2 of REACH, it is necessary to understand the status of glass (e.g. is it a substance, a preparation, outside the scope or exempted from REACH?). The status of glass (before being formed into articles) is currently still not entirely clarified because of the difficulty to fit glass into one of the two categories defined in REACH (substance or preparation), since glass has unique properties that do not allow it to technically fit into either of these.

It seems that the first official position was to consider glass as a (special) preparation, according to several official publications of European Chemicals Agency³.

¹ Regulation of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:396:0001:0849:EN:PDF>)

² Manual of Decisions for Implementation of the Sixth and Seventh Amendments to Directive 67/548/EEC on Dangerous Substances (Directives 79/831/EEC AND 92/32/EEC) Non-Confidential Version – Updated Version of February 2005 20519 EN (Institute for Health and Consumer Protection – European Chemicals Bureau - <http://ecb.jrc.it/>)

³ Questions and Answers on REACH (23/03/2006, January 2007, February 2007, July 2007, ...)

Recently, it seems that the EU Commission and the Member States have come to a new political compromise within the Competent Authorities Sub-Group, that even though “*Glass is the state of a substance rather than a substance as such*”⁴, for legislative reasons glass should be treated as a UVCB substance. A UVCB substance is a substance of “unknown or variable composition, complex reaction products or biological materials”. It needs, however, to be noted that this decision has not been officially made available.

Subsequently the EU Commission has prepared an exemption for glass under Annex V of the REACH regulation. This exemption text is available, but still has to be endorsed by the EU Parliament. In addition, guidelines explaining the exemption text are currently under preparation in the EU Commission/ECHA. It is expected that the exemption text and the guidelines will be released later in the year. If glass were exempted according to this text, no pre-registration or registration would be required.

In the meantime, CPIV has published its own interpretation of the draft criteria to exempt glass under Annex V. This paper, available upon request, was sent to the Commission and ECHA on the 9th of July 2008.

It is therefore the position of the European glass industry to wait until official clarification of the status of glass and until the exemption text and the guidelines are final, before taking any decision on the necessity to pre-register glass. Should the official clarification not be available well before the deadline for pre-registration of 1st December 2008, the glass industry will take the necessary steps to ensure that there is no impact to the supply-chain.

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⁴ 4th Meeting of the Competent Authorities for the implementation of Regulation (EC) 1907/2006 (REACH) 16-17 June 2008