



Glass, Glass articles and the EU REACH Regulation

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INTRODUCTION

The following statement is intended to clarify the approach of the European Glass Industries, represented by GLASS ALLIANCE EUROPE with respect to the EU REACH Regulation (1907/2006/EC) of 18 December 2006.

Glass Alliance Europe (former CPIV) is the European Alliance of Glass Industries. It is composed of 19 national glass associations and of the main sectors of the glass industries: container glass, flat glass, special glass, domestic glass and continuous filament glass fibres.

Over Europe the glass industry represents ca. 1.200 companies and about 150.000 workers. The size of the glass companies range from small furnaces (SME) to big multinationals present in several countries.

The European glass industry is very diverse and covers a variety of very different types of products and technologies, investing in research and developing glass products fit for a sustainable, resource-efficient and low-carbon society such as fully recyclable bottles & jars, energy efficient windows, weight-lightening continuous filament glass fibres (CFGF), flaconnage, tableware, optical fibres and special glass (Photovoltaic glass modules, glass for televisions and monitors, lighting glass, optical glass, laboratory and technical glassware, borosilicate and glass ceramic (cookware), etc).

In 2010, total EU-27 glass production reached a volume of more than 34 million tonnes, making the EU-27 the largest glass producer in the world. The production value amounted to ca. € 36 billion.

GLASS AND REGISTRATION DUTIES UNDER TITLE II OF THE REACH REGULATION

Glass substance

Under the REACH Regulation glass is considered as a UVCB substance¹ (substance of unknown or variable composition, complex reaction products or biological materials). It is not a preparation.

Based on this classification, the hazard represented by glass depends on the intrinsic properties of the substance glass and not on the intrinsic properties of the individual substances that went into the batch for making the glass.

According to ANNEX V of the REACH Regulation, glass is exempted from certain provisions, in particular Title II (registration of the substances), Title V (downstream users) and Title VI (evaluation), if it fulfils the following requirements:

“The following substances unless they meet the criteria for classification as dangerous according to Directive 67/548/EEC and provided that they do not contain constituents meeting the criteria as dangerous in accordance with Directive 67/548/EEC present in concentrations above the lowest of the applicable concentration limits set out in Directive 1999/45/EC or concentration limit set out in Annex 1 to Directive 67/548/EEC, unless conclusive scientific experimental data show that these constituents are not available throughout the life-cycle of the substance and those data have been ascertained to be adequate and reliable: Glass, ceramic frits”².

It is the responsibility of the producer to assess the substance and document the conclusive scientific data to demonstrate that his substance fulfils the criteria. This was confirmed by the ECHA in a letter to GLASS ALLIANCE EUROPE dated November 2010.

Considering the intrinsic inertness of glass, GLASS ALLIANCE EUROPE considers that the majority of glass compositions fulfil the criteria laid down in ANNEX V, point 11 of the REACH Regulation.

1) The EU Commission and the Member States have come to a political compromise defining glass in the following way: “Glass is a state of a substance, rather than a substance as such”. On this basis, glass should be treated as a UVCB substance, which means a substance of “unknown or variable composition, complex reaction products or biological materials” _ 4th Meeting of the Competent Authorities in February 2010 (Doc.CA-38-100/page15 – Item 6.4 update on guidance)

2) Commission Regulation (EC) No 987/2008 of 8 October 2008 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes IV and V



To help with the assessment of the exemption criteria, GLASS ALLIANCE EUROPE developed a specific methodology. The methodology takes into consideration the specific characteristics of glass and the ECHA Guidance for Annex V. The paper describing the methodology, available upon request, was sent to the Commission and ECHA in July 2008, with an update on 19 October 2010.

Glass Alliance Europe considers a glass exempted from certain provisions, in particular Title II (registration of the substances), Title V (downstream users) and title VI (evaluation), if it fulfils the criteria reported in ANNEX V, point 11 of REACH Regulation and advises producers to use the methodology it has developed to assess the exemption.

Glass articles

The European Glass Industry, with very few exceptions, puts glass articles³ on the market.

The articles made of glass which are exempted from certain provisions (Title II registration of the substances, Title V downstream users and title VI evaluation) according to ANNEX V point 11 of REACH Regulation, can be considered also exempted from the obligation of registration and notification laid down in art.7 of the REACH Regulation. These articles are not intended to release any substances and therefore do not fall under Article 7.1 of the EU REACH Regulation.

INFORMATION DUTY IN THE SUPPLY CHAIN

The articles made by the glass industry consist of the substance glass, which is not on the “candidate list” and can be assumed never to be on it. Thus, there is no duty under Article 33 to communicate information on substances in articles for articles made entirely of glass.

Furthermore, since the glass industry is normally supplying articles made of glass and not a substance, there is no need to supply safety a data safety sheet to the customer (based on REACH TITLE IV: Information in the supply chain Article 31 Requirements for safety data sheets).

³ 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/>)