

To the Customers of Member Companies of the Swiss Textile Federation

REACH*info*

The impact of EU Chemicals Law REACH on the Swiss Textile and Garments Industry

Zurich, 23 March 2016

Dear Madam, Dear Sir,

REACH has been in force since 1 June 2007. The European regulation on chemicals also has implications for Switzerland. The Swiss Textile Federation represents the Swiss textile and garments industry. We follow developments in European chemicals law, keep our member companies constantly informed, advise them and make recommendations.

We have a great interest in ensuring that our member companies are able to continue to deliver their high quality textile products in compliance with REACH requirements to their customers in the EU and EEA. The EU is Switzerland's most important trading partner. To avoid technical barriers to trade in dealings with the EU, Switzerland constantly adapts its legislation to European law. Swiss chemicals law enables necessary adjustments to be made at very short notice. This applies in particular to the prohibitions or limitations imposed in the EU on specific chemical substances and materials. In this way Switzerland can ensure that Swiss products benefit at all times from the same level of protection as is required in the REACH area.

Our branch procures its textile chemicals (auxiliaries, dyestuffs) primarily from Switzerland or the REACH area. For technical trade reasons (over 80% of Swiss chemicals are exported to the EU and more than 60% imported from the EU to Switzerland), the manufacturers or importers of these products must arrange for their products to be registered with the European Chemicals Agency (ECHA) in Helsinki. This gives our member companies a high degree of certainty that the products used continue to be authorised in the REACH area.

Since the entry into force of REACH, questions have repeatedly been raised about the conformity of Swiss textiles with REACH. You will find the answers to those questions in the attachments. We hope to be able to give you as a member company and your customers in the EU or EEA appropriate support through this letter so that a high level of confidence in Swiss textiles can be maintained.

Swiss Textile Federation



Nina Bachmann

ATTACHMENT 1

Swiss textile products and the obligations arising from REACH in relation to buyers (customers) in the EU or EEA area

REACH does not impose any special requirements for products which, in normal and predictable use, neither release any substances nor contain any substances of very high concern in a concentration of more than 0.1% weight by weight (w/w). These products can therefore continue to be exported to the REACH area without any obstacle and with no special requirements.

Consequence for textile products: The Swiss textile and garments industry mainly manufactures products which neither release substances nor contain any substances of very high concern. For these textiles free access to the EU or EEA market therefore involves no special requirements.

Only in the following case does REACH stipulate an obligation to provide information along the supply chain or in relation to customers and purchasers in the EU or EEA area:

Pursuant to Art. 33 of the REACH regulation, an obligation to provide **information exists** for the manufacturer, supplier or importer if the product contains a substance, ...

- which has been identified **as being of very high concern** (CMR, PBT, etc.) and was included in what is known as the candidate list for authorization (Articles 57 and 59)
 - and occurs in a concentration of **more than 0.1 weight by weight** (w/w).
- In any such case, the supplier must **on request** within **45 days** notify to his next purchaser...

- at least the **name** of the particular substance of very high concern
- provide any information relevant to **safe use of the product**.

Consequence for textile products: Products (e.g. textiles) which may possibly contain one or more substances of very high concern continue to be authorised for the EU or EEA market. Should the concentration threshold of 0.1% by weight (w/w) be exceeded the manufacturer, supplier or importer must on request notify the customer within 45 days of the name of the substance concerned and provide information on safe use of the product.

The Swiss Textile Federation advises its member companies and their customers, purchasers or textile suppliers to focus on the information and obligations which REACH effectively requires to assure the conformity of (textile) products.

With a view to the prevention of unnecessary administrative effort, smooth conduct of business and the protection of business secrecy, we do not believe it makes sense to require more far-reaching information such as extensive lists of chemicals and so forth which are not relevant to REACH.

ATTACHMENT 2

Swiss textile products and the obligations arising from REACH in relation to the European Chemicals Agency (ECHA) in Helsinki

According to the REACH definition, textile products fall under the heading of “products”. These include textile raw materials, semi-manufactures and finished products including packaging. Special obligations arise in relation to the European Chemicals Agency (ECHA) in Helsinki in the following two specific cases:

- Pursuant to Art. 7, para. 1 of the REACH regulation the manufacturer or importer must **register** the presence of a **substance** in a product if it is **intentionally released** – regardless of whether it is hazardous.
This obligation lapses if ...
 - the substance concerned – independently of the delivery chain – had already been registered for the textile application.
 - if the quantity of substance contained in the product overall per producer or importer and year does not exceed the quantity threshold of one tonne.
- Pursuant to Art. 7, para. 2 of the REACH regulation the producer or importer has an **obligation to notify** if the product contains a **substance of very high concern** (CMR, PBT, etc.) which has been placed on what is known as the candidate list for authorization (Articles 57 and 59 of the REACH regulation).
However, for this obligation to exist three criteria must be satisfied simultaneously:
 - The substance concerned must be present in the product in a concentration of more than 0.1% weight by weight (w/w).
Important note: The entire product (e.g. fabric, sewing thread plus buttons etc. as the entire textile) is used as the basis for calculation of the concentration. Please note that certain countries, i.e. Belgium, Denmark, Germany, France, Austria and Sweden, do not follow this approach and adopt a “separate view” (buttons, sewing thread, textile, zip fastener etc.).
 - The substance concerned must be present in the product in a total quantity of more than one tonne per year and per producer or importer.
 - Exposure of human beings and the environment cannot be ruled out in normal or predictable use including disposal.
This obligation has been effective since 1 June 2011 and lapses if the substance concerned had already been registered for the corresponding use - independently of the supply chain.

Note: The registration or report must be made by an authorized party (e.g. subsidiary company in the EU) in the EU or in the EEA.