

GAE Additional Information on SCIP requirements concerning glass

May 2022

Glass Alliance Europe (GAE - <https://www.glassallianceeurope.eu/>), would like to share additional elements to its initial position on glass as substance and glass articles concerning the legislative requirements provided for in Art. 9(1)(i) and 9(2) Waste Framework Directive (98/2008/EC; WFD) with reference to Art. 33 REACH (1907/2006/EC)¹.

REACH regulates the placing on the EU market of substances, substances in mixtures, and substances in articles. REACH in its complexity makes clear distinctions between 'substances', 'mixtures' and 'articles', and requires different actions from the relevant producers, to enable them to comply with it.

GAE is aware of the duties the glass producing companies are facing according to Article 33 of REACH. This GAE position specifically refers to glass as a substance and to articles made only thereof, and does not address here coatings on glass or complex objects such as glass assembled together with other materials or components .

Article 33 REACH obliges suppliers to provide information along the supply chain (downstream user information) regarding substances contained in articles and which

- a) are listed on the candidate list of substances of very high concern (SVHC)
- b) in an amount (w/w) of higher than 0.1 wt-%.

Since no glass, as a 'substance' is included in the candidate list, glass articles do not fall under the information requirement of Art. 33 REACH.

The raw materials used in the batch as starting substances to produce glass are transformed during the melting process into the new substance glass. Glass does no longer contain any starting substances. For practical reasons, the elemental analyses of glass is expressed in the form of their oxides which must not be confused with a mixture of the different oxides. In conclusion, the substance glass does not contain any longer raw materials used as starting materials including but not limited to lead oxide, boron oxide, cadmium oxide ...

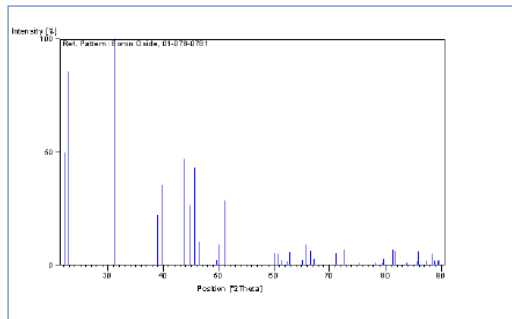
This can be demonstrated when analysing glass with X-Ray diffraction: the sharp peaks corresponding to the starting raw materials disappear in a continuous curve, showing that the initial raw materials are no longer present as such.

¹https://www.glassallianceeurope.eu/images/cont/gae-comments-on-glass-and-the-scip-database-july-2021_file.pdf

XR Diffraction of the batch
before melting
(mix of inorganic raw materials)

Crystalline forms

SiO₂, Na₂CO₃, CaO, ..

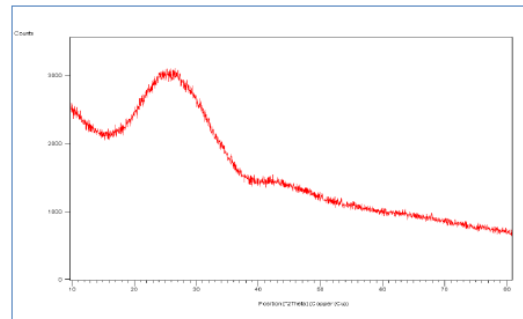


XR Diffraction of the glass after
melting

(inorganic macromolecula)

Amorphous form

Si_mNa_nCa_oMg_p.....O_s
[glass]



There is no legal duty to provide this information pro-actively to each downstream user (customers). The only legal duty stemming from Art. 33 REACH, is to inform the customer in case that there would be SVHC substances contained in an article over the given threshold. There is also no legal duty to provide to downstream user information on the use of SVHC as starting raw materials in glass production.

Therefore, glass as a substance, and articles made entirely of glass do not contain any SVHC from the candidate list.

The legal duty to declare articles the SCIP database (Art. 9 Waste Framework Directive) is connected to the information duty of Art. 33 REACH. As neither glass nor articles made exclusively of glass are subject to Art. 33 of REACH, there is no duty to notify them in the SCIP database.

It is the producer's responsibility to check whether his article is in conformity with the above.

GAE's opinion is in line with ECHA:

Q&A, Substances in articles, How to determine if notification obligation applies, (ECHA, ID: 1218)²:

Q *Do I need to notify and communicate information down the supply chain for certain boron substances included in the Candidate List, which are involved in the production of boron glass articles but not present as such in these articles?*

A *The obligation to notify under Art. 7(2) of REACH and to communicate down the supply chain under Art. 33 of REACH only applies to articles which contain Candidate List substances.*

Certain boron substances included in the Candidate List, such as diboron trioxide, boric acid and disodium tetraborate, are involved in processes leading to the production of articles containing "borosilicate glass". In these processes, the boron substances are usually first chemically transformed into a manufactured glass substance. The glass substance is subsequently processed into articles. In these usual cases, the boron substances are completely transformed and are not present as such in the final glass article. Consequently, there is no obligation to notify under Art. 7(2) of REACH, nor to communicate information down the supply chain under Art. 33 of REACH.

Please note that it remains the responsibility of companies to assess for their specific use of the Candidate List boron substances whether these are completely transformed into glass in the manufacture of "borosilicate glass" and whether the Candidate List substance is present in the boron glass articles.

Key tips for successful SCIP notification, ECHA, December 2020, slide 14³

"Boron substances in the candidate list used in the production of a glass article may not be present as such in that final glass article. In such cases, there is no obligation to submit a SCIP notification for that article nor to communicate information down the supply chain under Art. 33 of REACH"

(...)

"It remains the responsibility of companies to assess for their specific use of the Candidate List boron and lead substances whether these are completely transformed into glass in the manufacture of the glass substance and are not present as such in the final glass article."

RESPONSES TO WRITTEN COMMENTS TO PAPER CA/74/2020 RECEIVED AFTER CARACAL 37 (17-18 November 2020), CARACAL, Doc. CA/32/2021, p. 23⁴

"Glass is an UVCB substance. The considerations of the paper CA/74/2020 are applicable for the substance glass, if it contains known constituents or impurities that are relevant for classification as CMR. If substances used to manufacture glass are completely chemically transformed, due to the high temperatures applied, and is therefore not present as constituent in glass, then those considerations are not applicable."

² <https://echa.europa.eu/en/support/qas-support/browse/-/qa/70Qx/view/scope/reach/importofsubstancesintotheEU>

³ https://echa.europa.eu/documents/10162/6205986/key_tips_for_successful_scip_notification_en.pdf

⁴ <https://circabc.europa.eu/ui/group/a0b483a2-4c05-4058-addf-2a4de71b9a98/library/89199f5d-eab8-42e0-b834-2e31d23f097d/details>

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