

# REACH: The Registration, Evaluation, Authorization of Chemicals. Regulation of the European Union and the Impact on Cosmetics

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### Abstract

The new European Regulation on the Registration, Evaluation, Authorization of Chemicals, known as REACH, replaces over forty existing EU Directives. The REACH regulation is the most significant change in the regulation of chemicals since the formulation of the original European Economic Community by France, Germany and the Benelux countries, after the Second World War.

REACH completely reverses previous practice whereby only new chemicals are regulated and where existing chemicals, whether as single substances, present in mixtures or articles are placed on the market and only in the event of problems being detected is there any regulatory control enforced, often after a sustained period of investigation.

Under REACH, it is the responsibility of the manufacturer or importer into the EU to carry out a risk assessment and submit that to the authorities who may impose restrictions or even complete bans depending on the health and environmental consequences of the proposed uses. This requirement applies to all existing chemicals used in the EU.

Cosmetic products are exempt from the requirements of REACH as far as human health is concerned, because cosmetic products are subject to a professional risk assessment prior to marketing. The environmental aspects will however be subject to REACH and it will be a requirement to carry out an environmental risk assessment of the ingredients used in cosmetics and if products are imported the importer must carry out an environmental risk assessment on ingredients incorporated into the imported product, if certain criteria are met.

Cosmetic Packaging is defined under REACH as an article and as such will be subject to REACH.

This paper describes the implications of REACH to the cosmetics industry, details what manufacturers and in particular importers will need to do in order to comply with the new regulation and offers some guidance as to the steps that need to be taken before the REACH regulations start to take effect in April 2008.

### Introduction

REACH, the EU Regulation for the Registration, Evaluation, Authorization and Restriction of Chemicals, was passed by the Parliament and Council of the EU on 18<sup>th</sup> December and published in the Official Journal of the European Union on 30<sup>th</sup> December 2006, coming into force on 1<sup>st</sup> June 2007.<sup>1</sup> REACH fundamentally alters the way in which all Chemicals are regulated and, recognizing the global nature of the regulatory process, may well prove to be a taste of things to come for all manufacturers of Chemicals, wherever they may be situated: already China is looking at the possibility of introducing similar laws.

In this paper I intend to give some background to the REACH Regulation, give some idea on how REACH is expected to work, although at this stage this is speculative, until REACH establishes the European Chemicals Agency (ECA) which is a new EU body that will administer the details of REACH. Until this new agency starts work in June 2008, no-one will know for certain how things will work in practice. Of particular interest will be the consequences for the cosmetics industry, particularly importers of finished products from outside the EU.

### REACH Outline

REACH is radical but it is also very simple. The fundamental principle underlying REACH is that if a company manufactures chemicals in the EU, or if anyone wants to import chemicals into the EU, then they must know:

- what those chemicals are used for
- what the effects on man and the environment will be and