



25 June 2013

Deca-BDE included in the draft recommendation of priority substances for Authorisation

On 24 June, ECHA¹ published its 5th draft recommendation² on priority substances to be added to the list subject to Authorisation³ under REACH⁴, including Deca-BDE⁵. The inclusion of Deca-BDE in this draft recommendation does not have any immediate legal impact in the manufacturing and marketing of Deca-BDE.

The publication of this draft recommendation has opened a three month public consultation⁶ (closing on 23 September 2013) for all interested parties. Downstream users of Deca-BDE are encouraged to participate in the consultation.

The draft recommendation proposes that applications for an authorisation to use Deca-BDE should be submitted 24 months following the inclusion of Deca-BDE in the Annex XIV of REACH, giving an estimated deadline for the submission of applications by Q3/Q4 2016. If no applications are made, industry has until Q1/Q2 2018 to use Deca-BDE, after which it cannot be placed on the market any longer in the EU, Iceland, Liechtenstein and Norway⁷.

Following this stakeholder consultation and taking into account the view of Member States, ECHA will recommend a list of priority substances to the European Commission. The Commission will then take the final decision on which substances should be submitted for Authorisation.

The Authorisation process bans the placing on the European market and use in Europe of substances included in Annex XIV. As such it does not cover imported articles, however the REACH regulation offers the possibility to ECHA to initiate the restriction procedure for imported articles once the sunset date has lapsed.

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¹ Located in Helsinki, Finland, the European Chemicals Agency (ECHA) is in charge of managing the registration, evaluation, authorisation and restriction processes for chemical substances to ensure consistency across the European Union

² http://echa.europa.eu/documents/10162/13640/draft_axiv_entries_summarytable_5th_en.pdf

³ The REACH Regulation requires that ECHA recommends from the "Candidate List" priority substances for inclusion in Annex XIV of REACH (the "Authorisation List")

⁴ The European Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemical substances
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:136:0003:0280:EN:PDF>

⁵ Decabromodiphenyl Ether is registered under REACH with the CAS number 1163-19-5

⁶ Link to consultation: <http://echa.europa.eu/addressing-chemicals-of-concern/authorisation/recommendation-for-inclusion-in-the-authorisation-list/-/substance/4107/search/+term>

⁷ The so-called 'sunset date'. ECHA has recommended that this be 18 months following the deadline for applications for authorisation.

