

# Chinese Chemicals legislation – “China REACH”



China published proposals for its equivalent to the EU REACH regulations in May 2009. This aims to control the manufacture, import and use of chemicals and has similarities with the EU REACH regulations. The original proposals included very few obligations that affected substances in “articles”, as fabricated products are referred to by EU REACH, although it is clear that some of the most hazardous substances could eventually be phased out in China and this could affect the availability of some process materials and possibly also fabricated products.

The Chinese Government published and has adopted amended legislation on 19 January 2010 which is due to come into force on 15 October 2010. These recently amended Chinese regulations apply mainly to chemicals and mixtures of chemicals and not to articles. However, the 2010 amendment now includes requirements for new chemicals that are released from articles during normal use. This has parallels with EU REACH which also requires that intentionally released chemicals (if >1 tonne) should be registered. The main China REACH obligations however are on manufacturers of substances in China and importers of substances into China. Another change is that there is now a clear reference to the GHS (Globally Harmonised System) labelling system that is being adopted in the EU and most other countries world-wide.

The substance classifications proposed in 2009 have been replaced by three categories - general new, hazardous new and priority hazardous chemicals. China is setting up a system for pollutant release and transfer register with annual reporting requirements for manufacturers and importers of substances classified as hazardous and priority new hazardous. One change that could affect equipment manufacturers is the proposal to phase out hazardous substances. This may be achieved by promoting safer alternatives and by a six-

month reporting requirement to encourage producers and importers to replace hazardous substances. Other obligations include:

- Risk management of new chemicals based on their hazardous properties and the risk of exposure to workers and consumers.
- Notification requirements for chemicals based on tonnage bands which are the same as in the EU, i.e. 1, 10, 100 and 1000 tonnes.
- Notification of new chemicals imported in quantities < 1 tonne will be introduced.
- Notification will be possible only by a registered Chinese entity
- Reporting and notification requirements will be introduced for manufacturers and importers (of chemicals).

Unlike EU REACH, the Chinese legislation has few obligations placed on article manufacturers and importers. China’s REACH legislation has been introduced fairly quickly and follows similar but more advanced chemicals legislation in Japan and Korea. The Japanese and Korean legislation is aimed predominantly at chemicals with testing, information and registration obligations but future substance restrictions are possible.

EU manufacturers may in the future be tempted to move their manufacturing facilities out of Europe to avoid REACH substance authorisation restrictions but it is possible that Asian and other countries will also restrict the use of these chemicals to protect their workers.



With thanks to Dr Paul Goodman, ERA Technology.



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