

CHEMICALS,
COMPANIES,
&
CONSUMERS

How much are we told?

How much are we told?

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Executive Summary

In daily life, consumers are exposed to a cocktail of various synthetic chemicals present in consumer products: food storage boxes with Bisphenol A, toys with phthalates, hair dyes with resorcinol, computers with brominated flame retardants etc.

Hazardous chemicals are present in our homes, but also our blood or breast milk, while consumers have little information on where they are and how to avoid them, despite potential great risk. They can cause allergies, cancer, damage our reproductive system or negatively impact on our hormones.

Against this background, in 2006 the EU adopted legislation setting up a new system for the registration, evaluation, authorisation and restriction of chemicals (REACH Regulation). One of its objectives is to increase public access to information on the chemicals to which they are exposed. Along with greater transparency, the intention was to create pressure on industry to develop safer substitutes.

Article 33 of REACH thus provides for a “Right to Know”. It entitles consumers to request notification from any economic operator of the supply chain (retailer, manufacturer, etc.) whether one of their products or its packaging contains ‘Substances of Very High Concern’ (SVHCs) in a concentration above 0.1% weight by weight. The

relevant information must be provided, free of charge, within 45 days.

Although consumers have the Right to Know the presence of SVHC in their products, it emerged in several studies that severe shortcomings prevent the real exercise of this right. As such, it was our intention to test this information tool and check if companies were aware of their obligations and if they were able to answer in a precise and consumer-friendly way, within the timeline.

On top of their obligation to reveal SVHC included in the REACH candidate list, we tested knowledge of the SIN (Substitute It Now) list. Notably, as the listing of Substances of Very High Concern by the EU Chemicals Agency (ECHA) is moving much too slowly, the environmental organisation ChemSec decided to develop the SIN list of 378 substances of concern, including those with endocrine disrupting effects.

BEUC, together with its member organisations, sent letters from consumers in nine EU countries (Austria, Denmark, France, Germany, Greece, Poland, Spain, Sweden and UK) for 34 categories of products from different manufacturers.

We assessed:

- The communication method offered to consumers;
- The language of the reply;
- The 45-day deadline;
- The fulfilment of their legal obligations on the Right to Know by way of comprehensive answer;
- The content of the reply;
- From whom the reply came;
- If it was understandable and specific;
- The obstacles encountered;
- Knowledge of the SIN List and the existence of an internal chemicals policy.

The results are disappointing. The vast majority of companies fall short of meeting their obligations. The main points which the supply chain needs to address are: insufficient knowledge and awareness of their obligations regarding REACH, insufficient information flow between the different economic operators involved, finally, developing more specific and comprehensive answers.

Only in rare cases did we receive a dedicated and understandable answer to our question. Improvements are urgently needed and so throughout this brochure we give several recommendations to policy makers and companies. Moreover, the pace of regulatory action needs to be increased so that new substances are added to the candidate list to allow for, ultimately, restriction of the use of SVHCs.

1a) Exposure to hazardous chemicals: A real threat to our health & environment

Since the latter half of the 19th century, an exponentially increasing number of man-made chemicals have been produced. Today, it is estimated that over 100,000 chemicals are registered in the EU¹, ranging from high volume basic chemicals to infinitely specialised products including nano-materials. Trends indicate that the enormous growth rate of global chemical production is set to continue.

Consumers today are exposed to a cocktail of different synthetic chemicals used in almost all products we encounter in our daily lives: food storage boxes with bisphenol A, toys with phthalates, hair dyes with resorcinol, computers with brominated flame retardants. Even everyday activities such as cleaning our homes bring unwanted chemicals into our bodies².

In addition to exposure from consumer products, we also come into contact with pollutants in the air, water and soil. Many of these chemicals are persistent, which means they do not break down or degrade easily. Or they are bio-accumulative, meaning they accumulate in fatty tissue. Therefore a whole range of these hazardous chemicals

may also be found in the dust around our homes³, our blood, or in breast milk and surrounding the foetus during pregnancy. Of particular concern are chemicals which are toxic, carcinogenic, damage the reproductive system or negatively impact the hormonal system. There are serious concerns as to the possible influence of chemicals on rising cancer rates⁴ and allergies⁵.

We have to take the warnings of scientists seriously when it comes to the cocktail effect of different chemicals in our bodies. There are signs that in exposure to a combination of hazardous chemicals the overall detrimental impact on our health may be significantly bigger than the effect of single substances ($0+0+0=7$)⁶. This raises some serious questions about how the EU today assesses and regulates chemicals contained in consumer products.

Until recently, most chemicals have been placed on the market without there being a proper assessment of the effects of their characteristics and properties on human health and the environment. The long-term effects are largely unknown, but there are reasons to believe that the damage is much more severe than has been anticipated. Studies have since found that contact with hazardous chemicals during critical stages of devel-

opment (such as pregnancy) may have serious health effects which become evident only later in life.

Consumers are very concerned about chemicals. They wonder what is contained in the food they eat, the textiles they wear, the cosmetics they apply to their skin and the toys that they give to their children. However, it is difficult for consumers to reduce their exposure to chemicals because in most cases they will never receive transparent and meaningful information about which are contained in the products they use.

Therefore, the only reasonable goal is to ensure consumers only receive products which are safe for human health and the environment. In this brochure, BEUC and its member organisations present the results of an investigation into how comprehensively consumers can receive meaningful information from manufacturers and retailers about chemicals in products. This is one of the objectives identified by the REACH regulation.



1b) How can REACH contribute to protecting consumers & the environment?

In 2006, the REACH legislation which regulates chemicals on the EU market was adopted. REACH is an acronym for Registration, Evaluation, Authorisation and Restriction of Chemicals and it is one of the largest pieces of legislation to pass through the European institutions. It was a very difficult and contentious process. One of its explicit goals is to increase access to information. As mentioned in the White Paper related to a Strategy for a future chemicals policy⁷:

“The public has a right to access to information about the chemicals to which they are exposed. This will enable them to make informed choices and to avoid products containing harmful chemicals, so creating pressure on industry to develop safer substitutes. However, commercially sensitive information will be suitably protected”.

REACH entered into force on 1 June, 2007 as a single framework for all chemicals, thereby replacing over 40 existing pieces of legislation and regulation.

One of the main reasons for developing and

adopting the REACH Regulation was to overcome “toxic ignorance”. A large number of substances have been manufactured and placed on the market in Europe over many years, sometimes in very high amounts with insufficient information on the hazards that they pose to human health and the environment. There was an urgent need to fill these information gaps to ensure that the hazards and risks of the substances will be adequately assessed, while identifying and implementing risk management measures for protecting humans and the environment. To this end, REACH is based on the principle “No data – no market”.

REACH requires manufacturers and importers of chemical substances to gather information on their properties, to allow their safe handling and to register the information in a central database run by the European Chemicals Agency (ECHA) in Helsinki. This is a major novelty. In the past there was a huge dearth of information on the hazards posed by chemicals.

REACH has, in the long term, the potential to protect consumers from hazardous chemicals. However, considering the large number of synthetic chemicals in use, this process of registering, evaluating and finally restricting certain chemicals will take decades before REACH is fully implemented.

From a consumer perspective it is unacceptable to wait many years before finally getting safe products and having negative environmental impact significantly reduced.

As REACH also aims to improve public access to information, the enshrined “Right to Know” tool is an important development as it gives consumers the possibility to ask economic operators if their products contain any substances listed on a ‘candidate list of very high concern to human health’.

1c) How can consumers make use of the 'Right to Know'?

The Right to Know is a new instrument introduced with Art. 33 (2) of REACH. It entitles consumers to ask retailers and manufacturers if a product ("article")⁸ contains Substances of Very High Concern (SVHCs).

Consumers can put forward their question to the whole supply chain via written letter, e-mail, phone or face-to-face requests.

Should these chemicals be present in a concentration above 0.1 % of weight, it is the duty of the supplier⁹ to name the substance and to provide the consumer with sufficient information to allow safe use of the article. The relevant information has to be provided free of charge and within 45 days of receipt of the request. The obligation for retailers and manufacturers to give information currently covers 53 Substances of Very High Concern (SVHCs)¹⁰. For instance, this list currently includes phthalates and the fragrance Moschus-Xylol.

The guidelines of the EU Chemicals Agency (ECHA) point out that a retailer is not complying

with their information obligations by simply referring on to his supplier, i.e. sending the consumer the contact details of the manufacturer.

The Right to Know also allows a consumer to ask for information about the packaging, due to the fact that Substances of Very High Concern can also be present there, such as in carton, plastic wrapping or tin cans.

The rationale of the legislator for introducing the Right to Know to REACH was twofold. First, it was accepted that the public should have better access to information. Second, it was hoped that the access to information tool would lead to a situation where retailers exert their market power throughout the supply chain and would phase out products which contain unwanted chemicals on the candidate list and ultimately, due to greater demand for safe products, substitute chemicals of concern with safe alternatives.

However, based on previous reports about consumers' Right to Know¹¹, we harbour some doubts as to the practicability of the instrument.

The objective of our survey was to show whether it is easy or not for consumers to enforce their Right to Know.

Currently, several aspects of the consumer's Right to Know are still unclear and hamper proper implementation at national level. For instance the European Commission, Member States and ECHA differ in their interpretation of the 0.1% (w/w) threshold which triggers the right of consumers to ask for information. ECHA considers the concentration threshold of 0.1% (w/w) to apply to the whole article as supplied to the consumer. However, several Member States disagree with this interpretation and argue that consumers should also have the right to information about homogeneous parts of an article, such as for instance the handles or the saddle of a bike. France officially published an enforcement policy which differs significantly from the ECHA position. The French position is currently shared by Austria, Belgium, Denmark, Germany, Sweden and Norway.

Depending on the interpretation, this makes a very big difference to the consumer's ability to receive transparent information on chemicals in the products they purchase, as the following example demonstrates. If a consumer wants to know if the handles of a bicycle contain Substances of Very High Concern, it is unlikely he will receive this information. While the handles may contain a chemical above 0.1% in relation to the overall weight of the handle, it would clearly be below this

threshold when looking at the weight of the whole bike. Should the handle be sold separately, e.g. as a replacement part, the consumer could ask for this information and the answer would then refer to the amount of chemicals only in the handle.

The different interpretation among various Member States of the 0.1% threshold leads to different levels of consumer protection in the European Union, as some Member States will be stricter in their market surveillance of the supply chain than others. Therefore, it is important to monitor enforcement in the different EU countries.

In order to help consumers to exert their Right to Know, BEUC¹² and a range of its member organisations provide a model consumer enquiry letter on their homepage.

1d) What are Substances of Very High Concern?

Under REACH, chemicals of very high concern can be subject to authorisation. In such instances, manufacturers need to obtain this authorisation before the substance can be marketed or used in products. These are primarily substances which

are carcinogenic, mutagenic or toxic to reproduction (CMR substances of category 1 and 2) as well as substances with persistent and bio-accumulative characteristics. Moreover, REACH allows for the identification of other substances of equivalent concern including endocrine disrupting chemicals. As a pre-cursor to authorisation, chemicals of high concern are put on a so-called "candidate list". As soon as the substance is listed, the consumer is entitled to make use of his right to information.

We are concerned that no clear criteria currently exist for easy identification of chemicals with endocrine disrupting properties. Thus, there is almost no progress in listing these chemicals on the candidate list based on article 57(f) and consequently the consumer is unable to receive information about their presence in products.

Because of the slow legislative process and resistance from the chemical industry to the inclusion of more chemicals of high concern on the candidate list, the environmental organisation ChemSec, in close collaboration with leading NGOs in the EU and the US, decided to wait no longer and developed the 'SIN List' ("Substitute It Now").

Thanks to the combined efforts of public interest groups, progressive businesses, scientists and technical experts, the SIN List is based on credible, publicly available substance information from existing databases, scientific studies and new research. It now identifies 378 substances of concern. The substances have been identified while taking into account the REACH criteria of Article 57, which is the basis for the candidate list.

In addition to speeding up the process, the SIN List aims to provide progressive retail companies with a helpful list of hazardous chemicals which should be avoided.

The SIN List was first launched in September 2008. The current SIN List 2.0 was updated in May 2011 and includes several chemicals with endocrine disrupting properties¹³. Many of those chemicals are currently being used in everything from detergents and paints, to computers and toys in high levels and unknown to consumers.

1e) REACH review: the consumer's

Right to Know needs to be strengthened?

In the coming years, the EU Commission will be required to review several provisions of the REACH legislation in stages. In preparation for the report in June 2012, the Commission is currently looking into the gaps and overlaps of existing EU legislation with REACH. On the basis of this review, the European Commission may prepare a legislative proposal to amend certain provisions of the REACH regulation. The Commission will only be required to review Article 33 on the consumer's Right to Know by 1 June 2019. Based on the evaluation, the Commission could present a legislative proposal in order to extend the information requirements.

While we support extending the rights of consumers to information on hazardous chemicals in products, we also see a need to improve the functioning of the instrument. Several national consumer organisations, as well as EU-based and national environmental and health organisations, observed in the past severe shortcomings with regard to the consumer's Right to Know¹⁴. For this reason, BEUC together with its members aimed to test the instrument in practice by way of consumer requests. The added benefit is the gathering of

comparative evidence on access to information in different EU countries. We were interested to find out if European companies are prepared for and familiar with consumers' Right to Know and their REACH obligations. How easy is it for consumers to approach companies? Which means of communication do companies offer? How fast and comprehensively do companies reply? Are they giving satisfactory answers?

The information generated in such a survey is useful for regulators, manufacturers, retailers and consumers alike. With this monitoring of REACH implementation, we hope to give a thorough first-hand contribution to the discussion on the review.

1f) Our Methodology

We asked several consumers to send online enquiries asking retailers for information on three products from the same product category but different manufacturers, as opposed asking about only one product. Some countries were covered by the BEUC secretariat staff in their capacity as consumers, while others were covered by our Member Organisations in order to ensure a broad

coverage¹⁵. As REACH is a European regulation, we covered nine EU countries: Germany, France, Poland, UK, Spain, Austria, Sweden, Denmark and Greece in an effort to find meaningful information across different Member States.

We asked each time about three products within the same category because we believe that a consumer should have the choice between different products and not need to start all over again with a new information request when finding out after 45 days that their preferred product contains hazardous chemicals and therefore is not a purchase option. Asking for three products at once increases the chance that at least one product does not contain any SVHCs and gives consumers the opportunity to choose. So for example, if we asked a shoe retailer for information about three pairs of children's rubber boots and pair A and B were to contain chemicals of concern, but not pair C, the consumer could opt for the latter one.

We did not laboratory test products for their chemical constitution. Consequently, we could not verify whether the replies received are truthful or not. It has to be borne in mind that the objective of the survey was the check the respect of the Right to Know of the consumer, not the accuracy of the answers provided.

Firstly, we selected categories of daily use products likely to contain hazardous chemicals of very high concern based on desk research from our members' testing magazines. We focused on the following products:

15 children's products:

- Baby bottles
- Baby buggies/pushchairs
- Child car seats
- Rain coats
- Soft toy books
- Trainer bikes
- Rubber boots/Wellington boots
- Paddling pools
- Bike trailers
- Erasers
- Napkins
- Floating toys
- Baby changing mats
- Children's toothbrushes
- Children's sandals

19 adult products:

- Yoga mats
- Shower sponges (made from soft plastic)
- Panty liners
- Shower curtains
- Carpets
- Home trainers
- Office chairs
- Mobile phone chargers
- Earphones
- Pulse monitors
- Toasters
- Decoration articles
- Do-it yourself (DIY) products
- Working gloves
- Floor covering materials
- Tool kits
- Wall paper with foam material
- Bicycle saddles
- Gardening articles

We only chose shops which offer online sales and have focused large multinational companies in particular such as IKEA, C&A and H&M to see how well prepared they were to deal with the Right to Know requests and whether those companies have a Europe-wide coherent policy to deal with those requests.

After our product research, we sent out 25 letters in each country¹⁶ and we asked in total for information on 75 products per country. All requests have been sent by electronic means either by email or via web template. In this way, we could ensure companies received the request while also controlling the 45 day deadline.

The consumer 'model letter' was written in a style appropriate to the everyday situations of real consumers. The letter is written from the perspective of a mother or father all the more concerned by the potential presence of chemicals because his/her child has been recently diagnosed with an allergy. As they are now more conscious of the need to choose products carefully, the mother or father wants to know whether the listed products contain any SVHCs above 0.1%.

You can view this model letter overleaf...

Model letter

Request for chemicals in your products

12.05.2011

Dear Sir/Madam,

My daughter has recently been diagnosed with an allergy. As a concerned father and consumer, I would like to exercise my right to information which exists under the European regulation on chemicals - REACH.

Therefore, as a user of this product and in the interests of transparency and making a responsible choice with respect to my child's health, I would like you to inform me about the presence of any chemicals from the 'candidate list of substances of very high concern' in _____ or its packaging.

Should any of these dangerous chemicals be present in the product, the law stipulates your obligation to name them. According to European law, you are obliged to give an answer within 45 days.

In addition, I would like to know if you are using any other harmful chemical in the product and/or its packaging. Specifically, I would like to be informed if one of the 356 chemicals identified on the SIN list ('Substitute It Now') by the NGO ChemSec are used in the product and/or its packaging, as these chemicals have proven to be hazardous for human health (causing cancer and suspected of disturbing the hormonal system)

I kindly ask you to give a detailed and comprehensive reply focussing on my questions.

Finally, I would be grateful if you could let me know if you have a customer policy in place which seeks to offer only products which do not contain hazardous substances named on the SIN list, or if you have any concrete time plan to substitute hazardous chemicals in consumer products.

In the hope of a satisfactory response and a better informed shopping trip in the future.

Yours sincerely,



In the letter we also asked about chemicals of concern in the product packaging. In addition, we included questions regarding the SIN List. We asked whether one of the 356 chemicals identified on the SIN List are used in the product and/or its packaging, as there is evidence that these chemicals are hazardous to human health or the environment.

Moreover, we asked whether the companies have a customer policy in place to offer only products which do not contain hazardous substances named on the SIN List, or whether they have any concrete time plan to substitute hazardous chemicals in consumer products. Thereby we wanted to raise awareness on the SIN List and check how well this list is known among companies.

Although the companies are not legally obliged to respond to the question whether any SIN List chemicals are present in their products, our intention was to check their awareness level, if they are making efforts to move towards less harmful chemicals and are motivated to design and produce products which do not endanger the health of their customers or the environment.

When evaluating the contact with retailers, we focused on the key questions from a practical point of view for consumers:

- Was it easy to find the contact details on their homepage and which communication tools were offered to approach a retailer?
- Was the reply given in the same language as the consumer request?
- Did companies fulfil the legal requirements of Article 33(2) REACH i.e. did the information cover all three products and was it given within 45 days?
- Did the company respond to the question concerning presence of chemicals from the candidate list in their products or packaging?
- Who replied, the manufacturer or the retailer?
- Was the information helpful and consumer-friendly?
- Was the reply dedicated to the individually requested products?

- Were there obstacles to receiving the information?
- Was the SIN List been mentioned by retailers and manufacturers?
- Did they mention in their response a customer policy to offer only products which do not contain hazardous chemicals? If so, what does their customer policy say regarding chemicals?
- Was the information correct?

The quotes in this brochure from manufacturer and retailer replies have been translated from different European languages into English.

We have taken a selective approach as the quotes are only used as examples to highlight best practice or to hint at certain shortcomings.

RESULTS OF THE REPLIES & OUR OBSERVATIONS

2a. Which communication tools do companies offer on the internet?

As the first prerequisite to approach a company is which communication tools are offered to do so, we checked their online performance in this regard.

The 'old fashioned' way to send a written postal letter or sending a fax was rarely offered. This tendency indicates the more frequent use of the modern technologies. In most cases it was easy and convenient to find the contact details and tools such as email, postal address, telephone and fax. Only in some cases did we find it difficult to send out our request – the reason being the homepage structure was very obscure and difficult to handle.

It was not possible to approach one online shop in France (Pixxmania) via email or web-form, as consumers first had to register on their homepage with their name and postal address before being able to send a letter. The company was therefore not included in our project, but we believe that it should be easier for consumers to approach the company.

Several web-forms had only limited space for sending letters. In three cases we had difficulties to paste the complete letter into a web-form. After communicating this to the company we were immediately given an email address to send our request. However, it is not suitable for consumers to have limited space in the contact form.

We recommend:

- Offering various means of communication to consumers including letter, fax, email and personal request.
- Registering on a website with full postal address should not be mandatory for consumers before being able to send a request and to receive a reply.
- Web-forms should offer sufficient space to send in a meaningful request.
- Websites should contain dedicated information on chemicals policy and how the consumer can send in a request to exert their Right to Know.



We recommend:

- All replies including the supporting material to be made available in the same language as the consumer request or in the main language spoken in the country of residence of the consumer.

2b) In which languages did manufacturers and retailers respond?

Replies given in the language of the request

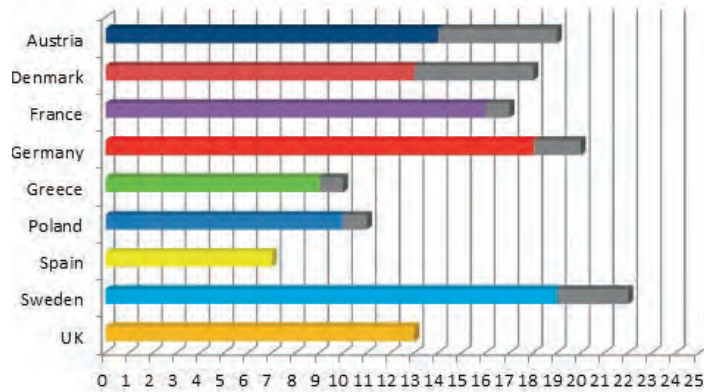


Table: The coloured bars indicate the number of letters which were received in the same language as the consumer request and the grey colour indicate the number of replies in a different language.

We were keen to find out if consumers received a meaningful reply in the same language as the original letter. While a majority of replies by retailers were given in the same language as the consumer request, very often the supporting material had been attached in one or more foreign languages. Thus, the supporting materials, such as certificates or test protocols, were of little value for the consumer.

In some cases the retailer only forwarded the replies from manufacturers in different languages

without any further explanation. A language difference between request and answer often appeared when multinational companies provided a standard letter in which conformity with REACH in general was claimed without replying to our individual consumer request.

Dear Sir, please find attached the latest certificate for the product 'dab Bergen' product code: 305542.

(Castorama Poland)¹⁷

In Austria one retailer simply forwarded the reply in English and offered to send a separate translation if needed. While we appreciate the offer to carry out translation, we do not believe that it is very practical for consumers to go back and forth until a satisfactory reply finally arrives.

One retailer commented it was not his obligation to translate:

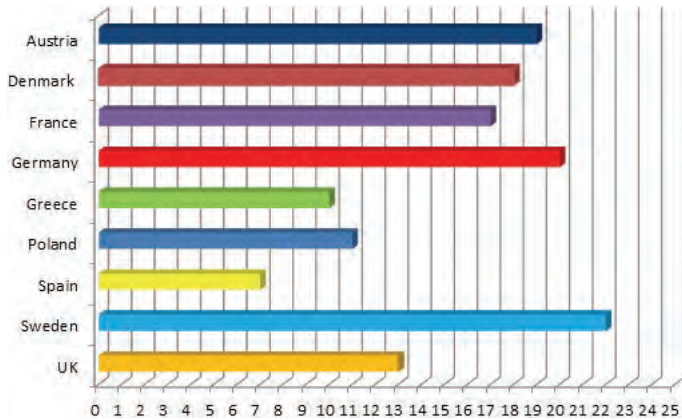
We can only provide the requested information in German language, as we must not translate this statement to English.

(Conrad Germany to the Swedish retailer)



2c) Did companies fulfil the legal requirements of Article 33(2) REACH?

Letters received within 45 days



The graph easily shows that there is a considerable difference between EU countries in observing the deadline for getting back to consumers. While in some countries such as Sweden, Germany, Denmark, France and Austria a majority of retailers replied on time, Spanish, Greek and Polish retailers feature particularly low.

When we selected the companies, we assumed that its size would give an indication as to its preparedness to deal with REACH requests and to give satisfactory answers with regard to the use of chemicals in daily products. However, the results showed that several multinational companies

operating all over Europe did not react at all to the request, although we received a confirmation of the email. In addition, we were surprised that some retailers sent a very good, comprehensive response in one country but not in others. For example, the German textile retailer C&A sent a good reply to the French consumer, but never reacted to the request in Germany. Moreover, replies from IKEA ranged from good answers (in Austria) to unsatisfactory advice to contact another address in the same country (in Poland and France), sending a link to their homepage which did not even work (in Spain) and no satisfactory answer on time (in Sweden).

Our impression was that in many cases the retailers did not have the tools to provide the consumer with the relevant information within the 45 day period.

We found that companies struggled with who was actually responsible to deal with these kinds of requests, as in many instances emails informed that the request had been transferred to someone else, either internally or outside the company. Because of this, one company even claimed that they had a longer deadline to reply. For example:

Even if dated from 06 May 2011 your mail was addressed to our main market place, we only

receive your request on May the 31st. We will answer you as soon as possible before the middle of July.

(La Redoute, France)

Nevertheless Play is not the owner of the telephones available in the Play offer. When signing a contract, we commit to provide service and the purchase of a telephone is a separate transaction. It is a device for which indirectly the producer holds responsibility. Therefore a warranty certificate is added to each set. On the basis of this certificate you can, for instance, demand exchange of a device, after previous repair performed by the Authorized Producer's Service. All questions related to the product should be directed to the producer as our company is providing telecommunication services.

(Play, Poland)

Being the client service of the site www.mescoursescasino.fr, we are unable to treat your request. We invite you to get in direct contact with your shop.

(Casino, France)

how much are we told?



This shows the importance of having clear responsibilities within a company to deal with consumers' requests under REACH and being able to furnish a meaningful reply.

We recommend:

- Information flows between the retailers and their suppliers to be improved.
- Confirming receipt of the consumer's Right to Know requests to make sure a reply takes place within the deadline.
- Sanctions must be put in place which apply when a manufacturer does not provide the information to retailers necessary for an adequate reply to a consumer.
- Sanctions must be put in place which apply when a manufacturer or retailer does not get back to consumers with a satisfactory result within 45 days.

Responses fulfilling the legal requirements of Article 33.2 REACH

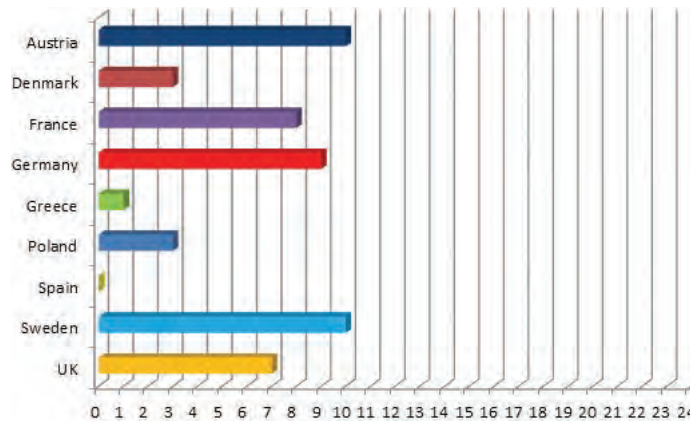


Table: Number of satisfactory responses, i.e. retailer replies within 45 days, covered all three products.

In relation to the total number of replies, only a low number can be considered satisfactory answers. Furthermore, not all the replies received within the 45 days contained information about all three products and referred to SVHCs. Many replies were rather general and not giving a concrete answer to our questions. Here again we observed that companies in countries such as Austria, France and Sweden were performing better than, for instance, Spain, Greece and Poland where retailers seemed to be completely overwhelmed by the request sent to them. In Spain for instance, the majority recommended contacting the manufacturer by ourselves and would not help with forwarding the request. Several other an-

swers referred to standards like ECO-TEX or the Bisphenol A ban, but did not mention REACH or SVHCs in their reply, which in all likelihood means they did not possess the required knowledge to deal with REACH requests.

This result is very disappointing and urgently shows the need for improvement.

“Please address your request to the manufacturer, we are only the retailer of products which have been legally imported into Poland and which have been authorised by state authorities...we therefore can only assume the products are safe.”
(Papiera4, Poland)

“In reply to your inquiry we inform you that the products of interest as well as all products that are available in our store have on their packaging the CE mark as this is required by the EU legislation. The CE mark is a declaration of the person or of the legal entity that has placed the mark on the products that the product complies with all safety requirements and all the proper procedures have been followed for the evaluation of the compliance. (We attach herewith suggestively the technical specifications of the product string Elli in which the code 100-500-10-89 belongs).”
(Stratis, Greece)

“Our company’s activity is to import and trade products and not manufacture the products that you mention. These manufacturers observe standards and their licensing is conferred on behalf of the Greek State by Greek Customs and the General Chemical State Laboratory.”

(Taka-taka, Greece).

We are also surprised that only very few companies consider the REACH requests as a very powerful tool to raise trust with their customers and to engage with them in a meaningful way. It should be underlined that approximately half of the companies who replied within the 45 day period made an effort to present themselves as very consumer-friendly and proactive regarding chemicals in their products. However, the other half tried to ‘fob off’ the consumer by sending standard letters in which they claimed conformity with REACH, despite some of them dated from two years previous.

We found it very striking that the differences in performance occurred mainly between countries and not differentiated by company. This means that where the overall performance of a country was low, the large retailers operating in that country did not perform as well as they did in Member States where the overall awareness for chemicals is higher.

We recommend:

- Awareness raising campaigns at national level to train retailers and manufacturers on how to correctly deal with REACH requests from consumers.
- Each company should have at least one customer manager well trained on the REACH provisions responsible for organising appropriate replies to consumers making use of their Right to Know.

2d) How many companies admitted the presence of SVHCs in products and/or the packaging?

Only very few retailers indicated the presence of SVHCs above 0.1% (w/w) in the product or its packaging.

We also noted that numerous retailers or manufacturers did not refer to the latest version of the candidate list which therefore raises questions as to the accuracy of their response. This will be a growing challenge for companies considering the candidate list will change frequently in the future.

We would like to highlight a very positive and responsible initiative by a Danish retailer who took one item off his product range as he could not make sure that the product did not contain any SVHCs:

“We received a statement from the supplier that it was free of SVHC. But when they also reported that it contained PVC, we asked for a test report for SVHC. It has been set up several weeks ago but we have unfortunately not received the results yet. Today our quality office in the East tells us, that the report will not be done in time, before this answer to you. Since there is PVC in the product, I will not claim that it is 100% SVHC free until we have a test report to document this.”

We have also chosen to take this product out of the market until we have complete information. This means the product no longer is available on www.Nettorvet.dk (Nettorvet, Denmark)

“It is unfortunately not possible for our supplier/importer to obtain the necessary results within the deadline, therefore we have decided to temporarily remove this from the portfolio until we can get clarity on whether it meets the requirements of the EU.” (ILVA, Denmark)



This activity from the Danish retailer is exceptional because he not only insisted on the manufacturer's obligation to provide information, but also had knowledge about substances that may be of concern and took a final decision aimed at protecting the consumer.

Another good example occurred in France, where a cosmetic chain admitted to being unsure as to the substances used in a shower sponge and therefore sent the product to a laboratory for additional testing:

With regards to the Shower Flower (ref. 151323) and the packages of the other two products, tests carried out by an external laboratory have evidenced the presence of aluminium and silicium at very little concentration rates. The presence of these substances potentially indicates the presence of aluminosilicate fibres. The test methodology used by the laboratory does not enable us to determine whether that precise substance is indeed present or not in the product. We have thus decided to carry out further tests, which will necessitate an additional delay.
(Sephora, France)

Two weeks later the company came back to us explaining that the sponge and the packaging of another product did not contain any Substances

of Very High Concern. However, as the company did not attach the test report, it is not possible to verify the result.

Only in Germany, a large 'DIY' chain admitted that all three requested products (tool kits) like impact drill-machines and drill hammers by three different manufacturers contain Substances of Very High Concern (the phthalate DEHP) in a concentration above 0.1% (w/w):

The packaging of the products is free of SVCHs. The three articles contain the substance Bis(2-ethylhexyl)phthalate (DEHP).
(HORNBAACH, Germany)

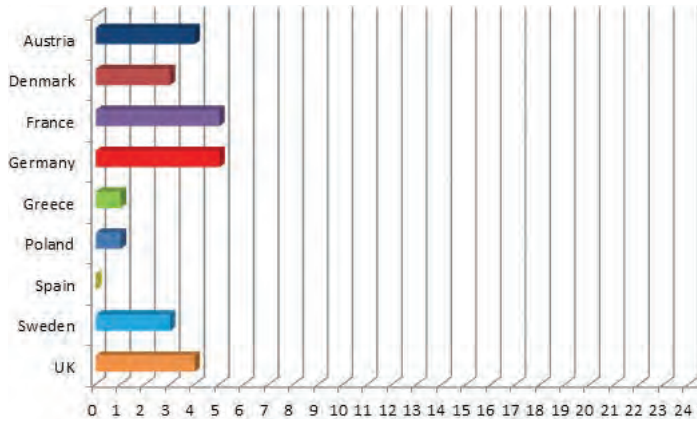
This retailer gave a satisfactory answer from the legal perspective with the only shortcoming that he did not mention instructions for safe use of the products. While we appreciate this transparent response, it is worrying from a consumer perspective that all these products contained phthalates which means the consumer could not make a healthy choice between them.

We also appreciated that one retailer in Austria indicated the presence of a phthalate below the concentration limit:

We would like to inform you that the acquired Headset Philips SHM 1900/00 contains the following substance [DEHP, bis(2-ethyl(hexyl)phthalate] from the candidate list within the connection cable. Thereby the concentration of more than 0.1% of the product weight is not being overstepped.

(Philips / Saturn, Austria)

Companies which mention packaging in their reply



“ However, some of our packaging contains a small proportion of expanded polystyrene (EPS). Despite our general ban on brominated flame retardants a few of our EPS packaging has been found to contain HBCDD. We are investigating the reason and one possible explanation is that EPS material aimed for construction has been used by suppliers. EPS material aimed for construction may in some markets be treated with HBCDD in order to comply with fire regulations. IKEA has worked proactively with phasing out brominated flame retardants and will continue to do so in the future. ”

(IKEA, Austria)

“ Our panty liners combi light U, and its packaging, do not contain according to the information of our supplier any of the 46 substances listed on the candidate list (SVHC REACH) and no of the 356 substances on the ‘SIN List’ of more than 0.1%. ”

(Système U, France)

Only very few companies gave in their reply information on the presence of SVHCs in packaging. Usually it has been claimed that their packaging was free of SVHCs.

For example, we received the following answers:

“ Coop has phased out PVC in most categories, but we still have a few products where this is not successful yet. A Coop ban on PVC in packaging is 10 years old and an advantage in this context. ”

(Coop, Nettovert, Denmark)

We recommend:

- Companies should proactively use consumers' Right to Know as a means to engage with their clients in a responsible manner.
- Retailers should use the tool to exert power throughout the supply chain to ensure consumers receive only products which are safe for human health and the environment.
- Information on the packaging should be given in the reply where relevant.



how much are we told?



2e) Who replied to our requests: the retailer or the manufacturer?

In all nine countries we found that many retailers handed over the responsibility for an answer to the manufacturer. A reason for that could be absence of knowledge about the obligations retailers must fulfil and that it is an easy way to sidestep any effort to investigate the requested information. We considered all cases where retailers only provided the contact details of manufacturers as a failure to meet the requirements of Art. 33(2) as it is the duty of the whole supply chain to organise a meaningful reply. As the consumer request was sent to a retailer, it was his duty to see the consumer receive the information without having to make follow up requests within the supply chain.

The following are some of the answers we received:

Please be aware that we do not manufacture these products, and therefore I would like to refer you to the following link.

(Sport Tiedje.dk, Denmark)

Please note that we are not the manufacturer of the goods.

(Cyclepartner, Denmark)

As a user of the products you are asking about, I refer you to submit your questions to the store where you bought the products. I'm sure they can help you! Otherwise, my best advice would be to contact the producers. They can be contacted at the following links:...

(Skosnudenk.dk, Denmark)

I imagine that you will probably get a better answer by contacting the companies behind the products.

(Byg-til-lavpris, Denmark)

After consulting the responsible department, I have to inform you that for us as a retailer that information is also not available. In light of the Directive on obligations on information, manufacturers/producers are obliged based on the end-consumer's request to provide the required data. Hereby I am happy to provide the contact details of our manufacturer.

(KARSTADT, Germany)

On this occasion, we would kindly request you to contact the manufacturers of the products you are interested in who will be able to provide you with a comprehensive answer to your concerns.

(Wiggle, UK)

In this case we are distributors and not manufacturers; therefore it would be better when you get directly in contact with the manufacturer. He can inform you better how and with which materials they manufacture their products.

(Supermercatdeljardi.es, Spain)

We recommend:

- To spread knowledge about the respective obligations to the whole supply chain.
- Always a meaningful reply to consumers from the point of first contact, for example the retailer. In case the retailer does not have the information readily available, he is expected to organise a meaningful reply by asking and receiving the required information from the supplier within 45 days.
- Mechanisms to be included within the supply chain to enhance the information flow between retailers and manufacturers.

2f) How understandable is the received answer?

As hazardous chemicals are quite technical issues, it is very important to supply consumer-friendly and easily understandable information. The supply chain cannot assume that the average consumer understands the meaning of a 46 page REACH "safety data sheet" without any explanation. This was however the thrust of a retailer's reply from Spain.

Our Austrian consumer received a six page long test report full of technical information on how the laboratory was testing their products and which different substances they found.

Especially in an area like chemicals, with which consumers are largely unfamiliar, it is very easy to impress or evade by sending a large amount of technical information or refer to general compliance with legislation, such as:

Herewith we confirm that the article delivered to Görtz "Adelheid Glückspilz" rubber boots complies with the requirements of the relevant legal framework for the Federal Republic of Germany

LFGB, BedGgstV, ChemVerbV, ChemVOCFarbV and the EU European Directive 76/769/EWG, EU Chemicals Regulation REACH EG Nr. 1907/2006 in the latest applicable version.

(Görtz, Austria)



We recommend:

The manufacturer/retailer who answers a consumer request should provide information adapted to the needs of the consumer which means using a non-technical language which can be easily understood by the average, informed consumer.

Criteria for a consumer-friendly reply include:

- Drafting a reply which is an individual answer to the consumer request, including specifying the requested products.
- Providing the full material in the same language as the consumer request.
- Providing a reasonable length answer, about one to two pages. This is between a letter which only consists of one sentence of information forwarded from the manufacturer and sending lengthy test reports.
- Being specific with regard to the Substances of Very High Concern and if this information refers to the product and/or the packaging. As the candidate list is being updated on an on-going basis, the latest version of the candidate list should be mentioned.

how much are we told?



2g) How specific and dedicated to the request was the company's reply?

To make the distinction between an individual Right to Know reply from a general and unspecific REACH compliance letter by the manufacturer, we expected the companies to refer to the individual products by name and article number. In this way we could make sure that the response was properly related to our requested products.

Many manufacturers sent a general REACH conformity certificate for all their products on the market. We consider this insufficient to simply state compliance with REACH as it could refer to many parts of the regulation. Moreover, many manufacturers stated compliance with several EU Directives such as the General Products Safety Directive, technical standards and technical specifications.

In some cases we received letters which were dated from 2009, i.e. 2 years before the letters were sent which means that it was not a specific response to the request. We did not consider this to be a valid answer, particularly as the list of Substances of Very High Concern has been updated and new substances added. Most of those standard letters were not written in the national

language. Some quotes demonstrate the tendency of manufacturers and retailers to send standard replies which are a specific response to the individual consumer's question:

To whom it may concern – DECLARATION OF CONFORMITY TO REACH

(Inter-Spar, Austria. Forwarded letter from Asian supplier)

Our baby changing mat is according to REACH. We are a Dutch manufacturer and stand for our quality. That is one of the characteristics of our policy. Our whole product line is (and always was) according to REACH.

(Article sold by retailer Baby Walz, Austria, who forwarded the answer of his supplier)

Our products are always tested for very low thresholds which cover the area baby as is done by the ECO-TEX standard 100. REACH cannot keep up with that.

(Article sold by retailer Baby Walz, Austria, who forwarded the answer of his supplier)

I can tell you that all the products we sell are in compliance with all applicable rules, which may be relevant for the selling of our products.

(Gigangten, Denmark)

Based on the information which is available to us, all products are non-hazardous and therefore no

hazards or similar is expected.

(CONRAD, Austria)

We can inform you that all our products comply with the European norm for babyarticles. If you are interested in more detailed information about the named articles, we would like to kindly ask you to approach the manufacturer. At least we want to guarantee, that you receive correct information.

(Babymarkt.de, Germany)

I have forwarded your mail to the producers and they have informed me that they respect the laws in this area and if you are interested in getting more details, please feel free to contact them directly. It is, respectively Brands4kids and Viking Footwear, who are distributors of the products...

(Sundbaby, Denmark)

You can confidently and securely buy products in BabySam, because we cannot and will not sell products which fail to comply with current legislation, standards and norms. This applies also to the use of chemicals.

(Babysam, Denmark)

All products on the website are CE marked and approved for sale in Denmark.

(Byg-til-lavpris, Denmark)



In many cases the retailers and manufacturers completely misunderstood their obligations linked to the Right to Know. For instance, it has often been confused with the registration obligations for substances:

Of course we are happy to inform you about the requested articles despite the fact that there is no registration obligation for erasers based on the REACH regulation. A registration obligation exists only if the article functions through intended release of substances or mixtures or if the article has a secondary function through which substances or mixtures are released (e.g. perfumed paper). These above mentioned criteria do not apply to any of the requested articles.

(Depesche, Germany)

We recommend:

- An individual response dedicated to the specific, requested products. The response has to refer to the candidate list in its latest version.
- The information given should be relevant to the consumer, i.e. meaningless test reports or sending general certificates of conformity should be avoided.

2h) Did obstacles occur while making use of the Right to Know?

We found out that in most cases where the retailer answered after a short period of time, it was not a qualified and satisfying answer.

A dedicated, individual reply normally takes more time for retailers to contact their suppliers and ask for the information. In Germany, an online baby article shop sent an answer 20 minutes after receiving the request and gave a very unsatisfactory reply.

In some countries such as France and Greece, we received follow up phone calls from several of the companies in order to find out who the consumer was and why this request had been made.

In the UK it was striking that several large retailers asked us for our personal data, meaning postal address and telephone number to proceed with our enquiry. In these cases, we asked retailers to respond via email. Another manufacturer was wondering whether the consumer request was sent from the UK or Ireland.

Examples include:

...please provide your full contact details so we can make a record at Head Office.

(M&S, UK)

I have been asked by one of the manufacturers if you could advise whether you are in the UK or Ireland and also could I find out what the allergy is.

(Kiddycare, UK)

Please could you provide your full address and telephone number so our Buying Office can discuss, directly with you, the concerns you have raised.

(John Lewis, UK)

For that kind of information we receive many e-mails and to make an official request we kindly ask you to send us a fax or a registered letter with your detailed data (name, surname and ID) and we will come back to you with the necessary information.

(Detiendasporelmondo.es, Spain)

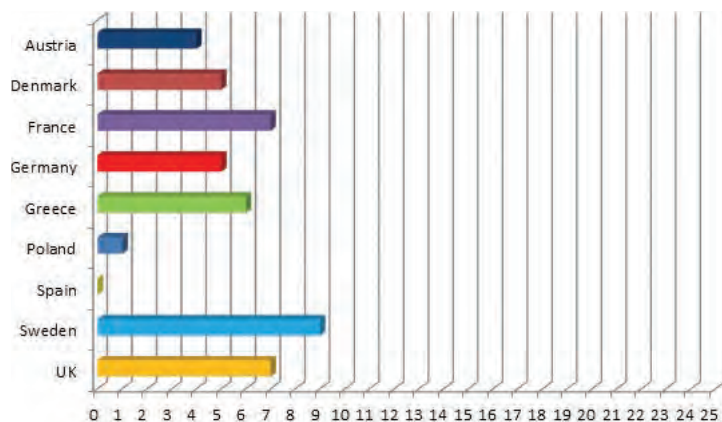
Our recommendation

- Giving personal data should not be required to get information on the safety of a product. Consumers do not have to defend their Right to Know – it is a legal requirement they can make use of without explanation.



2i) How well known is the SIN List?

Companies which mention the SIN List



Despite not being a legal requirement, several companies replied regarding our request on the SIN List. Some companies explained they are actively using this tool to inspire their internal lists of banned chemicals. Others informed that they are not taking the SIN List into account and not recommending their suppliers to make use of this list.

In this context, the SIN List which has now been enlarged by 22 substances to 378 chemical substances will continue to be in our focus.

(Dänisches Bettenlager, Austria; similar answer from Germany)

You also wished to know if chemicals identified on the SIN List ('Substitute It Now'), were also present in these products or packaging. The SIN List has been in existence since 2008, and is used by NGO's to put pressure on the European Chemicals Agency (ECHA) to include these chemicals in their SVHC list. There is no legal basis behind this list, however, it is one of a number of sources of information we refer to when drawing up lists of restricted substances that are relevant to Marks and Spencer products.

(M&S, UK)

The 'Chemical Restrictions' list of H&M exists since 1995 and is continuously being updated. One source of information for this list is the SIN List of the NGO ChemSec. Please find information on this from page 26 onwards in the following document...

(H&M, Austria; similar reply from UK)

Moreover, we have forwarded your question on the SIN List and the 378 listed substances but we only received information from our supplier of the giraffe paddling pool that no substance mentioned on the SIN List has been used in the paddling pool.

(MyToys, Austria)

According to our manufacturer the SIN List has been drafted and publicized by an NGO including more than 300 substances which this organization claims are dangerous. But this list has not been adopted by EU, at least until today so there is no legal obligation that the enterprises comply with it. Thus there are no relative test results.

(Comfuzio, Greece).

Additionally we would like to inform you that there are thousands of unofficial lists on the Internet with hazardous substances and you mention at your email that there is an unofficial list...We would suggest that you get information only through formal lists and from valid organizations and not from the thousands of the organizations that exploit peoples' anxiety for safety wanting to gain some publicity.

(e-tools, Greece)

We do not use Chem-Secs SIN List, we have other methods (all products are inspected by Apotekets Testlab, environmental consultancy Goodpoint and consultancy company Trossa). Our toxicologists follow international development and look after our interests so that we are able to have the best alternatives.

(Apoteket, Sweden)

Regarding the SIN List, which in its' latest version contains 378 substances, it is so that most of the substances on the list are classified as CMR-substances, that calls for restrictions. Our ambition is not to use any such substances. However, there are exceptions, such as styrene plastics in polyester putty and such.

(Biltema, Sweden)

We do not use the SIN List directly, but we do not accept chemicals causing the effects Chem-Sec study. There are a large number of substances causing other effects that we do not accept either. Note that SVHC and SIN do not have allergy as a priority.

(BR-Leksaker, Sweden)

We can guarantee that all the chemicals used in Viking rubber boots are approved by the European chemical regulation (REACH). We have also checked with our manufacturers, and they have checked with their suppliers and confirm that they do not use any chemicals included in the SIN List. We cannot guarantee to a 100% that the boots do not contain any of the chemicals included in the SIN List as we have not tested them against its demands, but that is of course something we can bring up for evaluation next time we test the boots.

(Viking, Sweden)

The products Casall Puzzle Mat, Casall Fitness Mat and Casall Yogamat 5 mm should not contain any substances on the SVHC list. We follow our chemical guide which is very strict and we continuously watch the SIN List and other similar lists from voluntary organizations.

(Stadium, Sweden)

REACH list: No ingredients contained in the product are on the list. SIN List: No ingredients contained in the product are on the list. Packing materials: PE and PET are not classified as toxic.

(Kvantum, Sweden)

We recommend:

- Actively using the SIN List in retailer's procurement policies as it is an important information tool about unwanted chemicals.
- Actively using the SIN List as a 'social responsibility' marketing-tool underlining their engagement against hazardous products.
- Substituting chemicals of concern with safer alternatives. The substitution process should not only cover substances which are already on the EU candidate list, but also those mentioned on the SIN List, as they have been identified using REACH criteria.

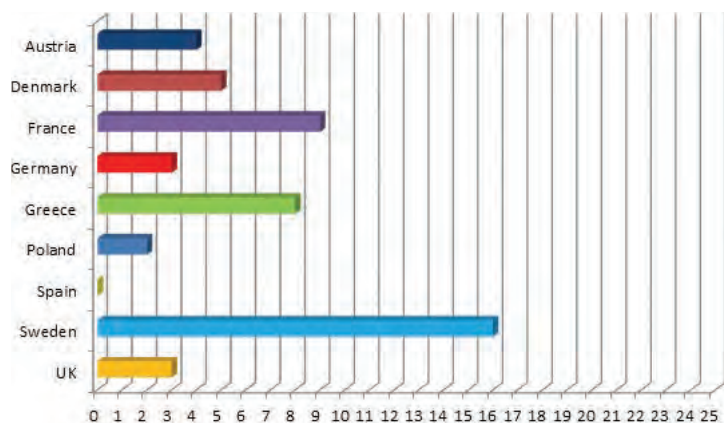


how much are we told?



2j) Do companies have an internal chemicals policy in place?

Companies which mention a chemical policy



A few companies provided an insight into activities which go beyond their legal obligations. Some of the answers show that certain companies invest considerably in the safety of the supply chain.

The Ludwig Görtz GmbH has described in its extensive quality standard a testing method which is communicated to our suppliers via extranet and in which we list all relevant substances which are banned... Compliance with these parameters is checked by Ludwig Görtz GmbH through spot tests. It is part of our consumer strategy to offer products which comply with legal requirements and go beyond. Another building brick in this consumer strategy is our liable to contributions

collaboration at "CADS"... We cannot refer to a fixed period for avoiding hazardous ingredients as this task has permanently first priority and the requirements and knowledge change constantly... (Görtz, Austria; Germany)

Marks & Spencer was the first major UK retailer to formally publish a list of banned and restricted chemicals for its products 10 years ago, and this was seen as leading the industry. Our list today is very extensive, to ensure no chemicals which are known to cause harm to humans are present in products, or are restricted to very tight and low limits.

(M&S, UK)

Regarding our chemical restrictions, there are many chemicals in addition to REACH that we do not accept in our products. It is very important to us that neither our customers, the environment or our manufacturers come to harm or catches allergy from our products. Therefore we work continuously to enhance and improve our chemical demands and we do continuous testing on our products. To keep us updated in the chemical area and to get access to expertise we are members of the Swerea IVF chemical group.

(Hemtex, Sweden)

Our primary goal is to better serve our clients, as our products are for infants and kids. To accomplish this and comply with the safety rules, our company runs a quality test department for our products or the ones we trade. They test the texture of the textiles and compliance with the safety rules. We ensure the certification of the factories where we procure our raw materials, such as textiles for the non-use of azochromes. We conduct all necessary tests for our products, also implementing the rules of the General Secretariat for Consumers concerning what should be written on labels. Additionally, there are products exclusively for newborns which bear the seal ECO-Tex, certifying they are made to highest specifications for quality and hygiene for infants in compliance with EU legislation for the use of azochrome. The production, dying and final processing of our cloths do not include dangerous chemicals.

(Alouette, Greece)

We recommend:

- Companies should always establish an internal chemicals management policy aimed at providing only products safe for consumers and the environment. Such a policy should go beyond legal requirements and include regular audits of all suppliers as well as independent 3rd party certification and testing of products.

2k) Was the information given to consumers correct?

While we have not tested the presence of Substances of Very High Concern in the products, we wanted to highlight the following findings. It seems that several retailers are not quite sure themselves about the chemical content of the products they sell:

The information from our suppliers is unchecked. Therefore, our statements have been made in good faith but we do not give assurance concerning their completeness and correctness and for this reason we do not assume liability for damages, which may occur as a result from these statements.

(Conrad, Sweden).

3) ADDITIONAL RECOMMENDATIONS TO POLICY MAKERS & MARKET SURVEILLANCE AUTHORITIES

3a) Progress with the Candidate List & authorisation of chemicals is urgently needed

When the consumers' Right to Know was introduced, policy makers were hoping that the pressure of transparency would lead to a phasing out of hazardous substances throughout the supply chain. Although increased transparency can indeed contribute to action from retailers and manufacturers, currently the consumer's Right to Know does not work well enough in order to create significant pressure.

Moreover, when just looking to the substances on the candidate list, consumers may also receive a false sense of safety.

For instance, we asked for information about several children's rubber boots. Rubber boots have been analysed by the German test magazine Öko-Test¹⁸ in September 2011 in a comparative test. While we did receive information from retailers in the context of our survey that the rubber boots did

not contain SVHCs, Öko-Test found many chemicals in all rubber boots tested, including several not yet on the list of Substances of Very High Concern. For example, the rubber boots for which we had requested information received a bad marking because the level of polycyclic-aromatic-hydrocarbons (PAH) had been high.

For this reason, two improvements are urgently needed.

First, the pace of regulatory action to add new substances to the candidate list and ultimately restrict the use of these chemicals must be increased.

Second, the tool of the consumer's Right to Know needs to be improved by taking into account the recommendations we give in this brochure.

A better future can only be achieved by providing products to consumers which are inherently safe for human health and the environment.

3b) Enforcement of the consumer's Right to Know has to be improved

We call on national market surveillance authorities to closely monitor experiences with the consumer's Right to Know and to take the necessary enforcement actions should companies not reply or not provide the adequate information required by the REACH regulation.

We encourage joint market surveillance activities across Member States to ensure a coherent approach. Sanctions which can act effectively as a deterrent to non-compliance must be put in place at national level.

Moreover, awareness raising with consumers is needed on the Right to Know in general, including giving them the information that national market surveillance authorities should follow up their complaints if retailers and manufacturers do not respect the Right to Know.

3c) Training & information of retailers & manufacturers must improve

Based on our survey it seems that many retailers were willing to help the consumer but did not necessarily have access to the information themselves or did not have the necessary knowledge of how to process the request. For this reason we believe that more training and awareness raising is needed for retailers and manufacturers to provide better answers to consumers.

In particular, internal communication and between different economic operators has to be improved in order to provide the information effectively and efficiently within 45 days.



How much are we told?

1. Introduction:

¹ Registered in the European Inventory of existing Commercial Chemical Substances (EINECS). In addition, 3,000 substances are registered in the European List of Notified Chemical Substances (ELINCS).

² REACH 'The Only Planet Guide to the Secrets of Chemicals Policy in the EU. What happened and why?' The Greens/EFA, Brussels, April 2004.

³ Swedish Society for Nature Conservation (2011): 'Home Sweet home - dusty surprises under the bed', <http://www.chemsec.org/news/news-2011/808-mix-of-hazardous-chemicals-under-your-bed-eu-needs-to-act>

⁴ According to the World Health Organisation, global cancer rates are expected to jump from 11.3 million in 2007 to 15.5 million in 2030: <http://www.who.int/features/qa/15/en/index.htm>

⁵ See for example Hyunok Choi, Norbert Schmidbauer, Jan Sundell, Mikael Hasselgren, John Spengler, Carl-Gustaf Bornehag, Dominik Hartl: 'Common Household Chemicals and the Allergy Risks in Pre-School Age Children', PLoS ONE, 2010; 5 (10): e13423 DOI, 10.1371/journal.pone.0013423

⁶ Chemicals which act similar in our bodies show maybe no effect on their own. However, when being combined with other substances which also do not show an effect on their own, the overall effect could be much higher through an added-on effect. This means that zero plus zero plus zero does not equal zero any longer but something much higher such as seven.

⁷ http://eur-lex.europa.eu/LexUriServ/site/en/com/2001/com2001_0088en01.pdf

⁸ REACH does not mention the term "product" or "consumer product", but rather uses the term "article". An article is defined as any object that has been given a specific shape, surface or design so that it can be used for a specific purpose (e.g. manufactured goods such as cars, textiles, electronic chips). Cosmetic articles, groceries and animal feed as well as all products already covered by any other EU legislation are inapplicable to Art. 33 (2) REACH.

⁹ "Supplier" in this case means any producer or importer of an article, distributor or other actor in the supply chain placing an article on the market (Art. 3, No. 33, REACH).



¹⁰ http://echa.europa.eu/chem_data/authorisation_process/candidate_list_table_en.asp

¹¹ See for example: European Environmental Bureau (2010): 'The Fight to Know? Substances of Very High Concern and the Citizens' Right to Know Under Reach', <http://www.eeb.org/EEB/?LinkServID=8BBC1DF8-C9C7-8B93-CA5F42033F11A3AD>

¹² See for example:
<http://docshare.beuc.org/Common/GetFile.asp?ID=29102&mfd=off&LogonName=Guesten>

¹³ For more information on the SIN List please see: <http://www.chemsec.org/list>

¹⁴ VKI (2011): Schadstoff-Informationen Nur auf Anfrage, Konsument 7/2011, pp. 38 – 39.
European Environmental Bureau (2010): 'The fight to know? Substances of Very High Concern and the Citizens' Right to Know Under Reach', <http://www.eeb.org/EEB/?LinkServID=8BBC1DF8-C9C7-8B93-CA5F42033F11A3AD>

¹⁵ All requests have been made on behalf of real existing consumers. Some consumers provided us or our member organisations their personal data to allow us sending out the letters on their behalf. For the survey, it was of importance that real individuals were sending out the letters because organisations such as BEUC are not entitled to send these "Right to Know" requests. Moreover, national authorities will only be able to follow up on requests made by consumers, not organisations.

¹⁶ In Greece, 35 letters have been sent out by our Greek member in the context of a national survey. For comparability of the results, we have only taken into account the first 25 letters which have been sent.

2. Results of the replies and our observations:

¹⁷ The information given was in a different language for each of the requested products, i.e. German, English and a Polish certified translation from German.



Notes





The European Consumers' Organisation

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Contact BEUC's
'Safety' expert team
for further information

-

+32 (0) 2 743 15 90
safety@beuc.eu
www.beuc.eu

42 national members across Europe

- Arbeiterkammer (AT)
- Verein für Konsumenteninformation (AT)
- Test-Achats / Test-Aankoop (BE)
- Българска национална асоциация на потрибителите - BNAP (BG)
- Fédération Romande des Consommateurs (CH)
- ΚΥΠΡΙΑΚΟΣ ΣΥΝΔΕΣΜΟΣ ΚΑΤΑΝΑΛΩΤΩΝ (CY)
- Czech Association of Consumers (TEST) (CZ)
- Stiftung Warentest (DE)
- Verbraucherzentrale Bundesverband (DE)
- Forbrugerrådet (DK)
- Eesti Tarbijakaitse Liit (EE)
- Confederación de Consumidores y Usuarios (ES)
- Organización de Consumidores y Usuarios (ES)
- Kuluttajaliitto – Konsumentförbundet ry (FI)
- Kuluttajavirasto (FI)
- Confédération de la Consommation, du Logement et du Cadre de Vie (FR)
- Organisation Générale des Consommateurs (FR)
- UFC - Que Choisir (FR)
- Consumer Focus (GB)
- Which? (GB)
- Ένωση Καταναλωτών η Ποιότητα της Ζωής - ΕΚΠΟΙΖΩ (GR)
- Γενική Ομοσπονδία Καταναλωτών Ελλάδος (GR)
- Κέντρο Προστασίας Καταναλωτών - ΚΕΠΚΑ (GR)
- Országos Fogyasztóvédelmi Egyesület (HU)
- Hrvatski Savez Udruga za Zaštitu Potrošač - "Potrošač" (HR)
- Consumers' Association of Ireland (IE)
- Neytendasamtökin (IS)
- Altroconsumo (IT)
- Consumatori Italiani per l'Europa (IT)
- Union Luxembourgeoise des Consommateurs (LU)
- Latvijas Patērētāju interešu aizstāvības asociāciju (LV)
- Organizacija na Potrosuvacite n Makedonija (MK)
- Ghaqda Tal-Konsumaturi (MT)
- Consumentenbond (NL)
- Forbrukerrådet (NO)
- Federacja Konsumentów (PL)
- Stowarzyszenie Konsumentów Polskich (PL)
- Associação Portuguesa para a Defesa do Consumidor (PT)
- Asociația pentru Protecția Consumatorilor din România (RO)
- Sveriges Konsumenter (SE)
- Zveza Potrošnikov Slovenije (SI)
- Združenie Slovenských Spotrebiteľ'ov (SK)

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