



## What is the 'candidate list'?

21 May 2013

*When it comes to toys, we sometimes refer to the 'candidate list' or the 'SVHC list' in the REACH Regulation on chemicals and their safe use. Suppliers may be required to provide information to consumers about substances on this list if they are present in toys. What is the list and what does it mean when a substance is placed on the list?*

### **The 'candidate list'**

The name 'candidate list' comes from the fact that substances included on the list are 'candidates' to be subject to a special approval procedure under the REACH Regulation (Registration, Evaluation, Authorisation and Restriction of Chemical substances). Already when a substance is included on REACH's candidate list, companies manufacturing, importing or using the substance, for example in a toy, must comply with certain requirements.

For a substance to be included on the candidate list, it must be identified as a 'Substance of Very High Concern' (SVHC), which explains why the list is also sometimes known as the 'SVHC list.' These substances have properties that can have serious and lasting effects on human health and the environment. In order to be classified as a SVHC, the substance must meet one of the following criteria:

- be classified as a substance that is carcinogenic, mutagenic and toxic for reproduction (CMR)
- be considered as a Persistent, Bio-accumulative and Toxic (PBT) substance or a very persistent and very bio-accumulative (vPvB) substance
- have other characteristics such as endocrine-disrupting properties

### **A living list**

The candidate list is a living list to which new substances are added twice a year. The list is published by the European Chemicals Agency (ECHA). European Union (EU) Member States or ECHA (upon request of the European Commission) can propose new substances to be added to the list. Once such proposals are published, they are open for public comment. The formal decision to include new substances on the candidate list is taken by the so-called Member State Committee, which must consider all comments received.

The first candidate list published by ECHA in October 2008 included 15 substances. The latest version of the candidate list was published in December 2012 and includes 138 substances.

### **What are the obligations when a substance is included on the candidate list?**

Once a substance has been included on the candidate list, there are requirements in relation to information, notification and authorisation.

### *Information*

The most relevant obligation for the toy industry is the requirement to provide information to customers and consumers:

- Companies manufacturing, importing or selling articles, which contain more than 0,1% of the listed substance, are required to give such information to their customers that the article containing the substance can be handled in a safe manner.
- This information shall at least include the name of the substance and shall always be provided to customers using the article professionally.
- Consumers have the right to request the same information from the supplier of the article and to receive it within 45 days of the company's receipt of the request and free of charge.

It is worth noting that the chemical requirements for toys (the new stricter requirements will enter into force on 20 July 2013) are so strict that it is unlikely that a toy would contain more than 0,1% of a substance that has been included on the candidate list due to it being hazardous to health. However, if such substances, or substances that have been included on the list due to their negative environmental effects, after all be present in higher concentrations than 0,1%, the manufacturer or importer would be obliged to provide information to the distributor (toy store).

### *Notification*

The manufacturer or the importer of an article containing more than 0,1% of a substance on the candidate list shall notify ECHA. However, this obligation only applies if the total quantity of the substance exceeds 1 tonne per manufacturer/importer and year. The obligation also does not apply if the substance has already been registered for that use (ECHA regularly publishes information on individual substances that have been registered for certain uses).

### *Authorisation*

The use of substances on the candidate list may also be subject to authorisation. ECHA selects substances from the candidate list and recommends the European Commission to include them in Annex XIV of the REACH Regulation. If a substance is included in Annex XIV, it means that this substance may not be used or put on the market without authorisation. Substances that have been included in Annex XIV remain on the candidate list and therefore the obligations of information and notification continue to apply.

### **About TIE**

*Toy Industries of Europe (TIE) is the trade association for the European toy industry, which comprises over 25% of the total world toy market. The toy industry is highly international and is one of the most dynamic business sectors in Europe. Around 80% of the sector is composed of small and medium sized enterprises (SMEs) which have less than 50 employees. Members of TIE include corporate companies as well as national associations from Bulgaria, France, Germany, Italy, the Netherlands, Spain, Sweden, the UK and the Nordic region. TIE membership is open to both corporate companies with a presence in Europe and national associations from European Union Member States (including candidate countries).*

*Readers are reminded that the text of the original directive or standard is the only authentic legal reference and that the information in this document does not constitute legal advice. Toy Industries of Europe (TIE) does not accept any liability with regard to the contents of this document.*

*Do you know how safe toys are? Watch this short [video](#) to find out!*