

Decorative Covering "AMK" Regulatory Status

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A report summarising whether Tirugi's Decorative Covering "AMK" meets the definition of an Article under REACH 1907/2006 (as amended)

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Preamble

PE Dzhelaukhov S.G would like to understand whether their product Decorative Covering “AMK” meets the required definition of an Article under REACH 1907/2006. This will be accomplished by following a step by step process in order to determine if the criteria required for an Article definition is met, in addition to outlining the requirements for this product in regards to labelling notification.

Regulatory Background

EU Article obligations under REACH

In many cases, the chemical composition of a product will dictate the function of the product itself. However, there are exemptions to this case, and these are known as ‘Articles’; where other factors will determine the function of a product. The key regulation which decides whether an object is an Article or not is known as REACH.

REACH stands for the Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18th December, and entered into force on the 1st June 2007. REACH is applicable to all chemical substances on their own or in preparations, as well as in articles. Because of REACH, when a company places a product on the market within the EU, they need to register this substance under a registration process, assess if hazards are applicable, and produce a safety data sheet.

This process will differ somewhat in the case of an Article; the requirements to register the product, produce a hazard classification, along with a safety data sheet do not apply. Despite this, there are still certain rules which need to be followed (albeit some are optional) when communicating that the object is an Article, with examples such as:

- 1) If the substance contains certain dangerous substances (SVHCs) or any other applicable restrictions for the substances located within the object.
- 2) If the Article has an intended release.
- 3) Recycling and disposal of articles, along with potential misuse by consumers.

Key definitions

Article	An object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
SVHC	Substance of Very High Concern

Product Overview: Decorative Covering “AMK”

PE Dzhelaukhov S.G manufactures Decorative Covering “AMK” which is supplied for the purpose of decorative elements covered with a protective film, fixed on a reinforcing glass mesh

The Decorative Covering "AMK", which is a sheet of facing material made of marble (stone) crumb, acrylic dispersion and inorganic pigments. The product is intended for facing of various surfaces from plasterboard, plaster, gas - and foam concrete, foam plastic, foam plastic, CSP, OSB (OSB), rigid mineral wool slabs. It can be used for protective and decorative finishing of external and internal surfaces of residential, public, industrial buildings and constructions. The Decorative Covering "AMK" provides protection from atmospheric influence, does not interfere with natural ventilation, and also gives decorative appearance to surfaces - imitates a brick or block laying.



Figure 1 – Single element



Figure 2 – Group of tiles



Figure 3 – Decorative Covering “AMK”

PE Dzhelaukhov S.G Decorative Covering “AMK” Article Discussion & Decision Process

ECHAs guidance document, ‘Guidance on requirements for substances in articles’ (Version 4.0 - June 2017), contains a flow chart detailing the step-by-step process of determining whether a product is an article. This decision process (See Figure 4 below) and the following sections in this report discuss the outcome of following the decision-making process.

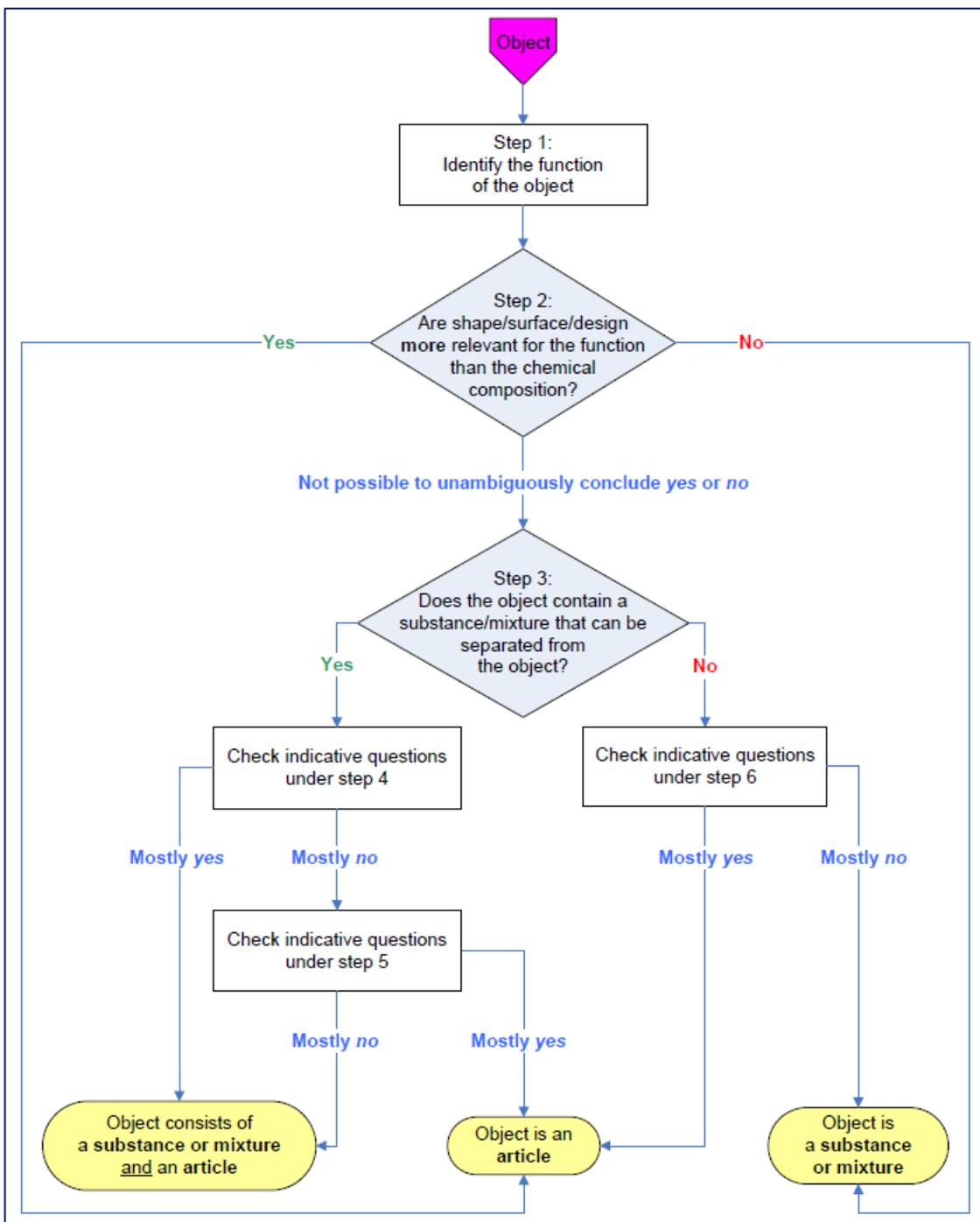


Figure 4 – Flow Chart showing the decision-making on whether an object is an article or not. Taken from ECHAs ‘Guidance on requirements for substances in articles’ (V4.0 – July 2017).

1 Step 1 - Identify the function of the object

For the PE Dzhelaukhov S.G Decorative Covering “AMK”, the function of the object is to for protective and decorative finishing purposes of external and internal surfaces of residential, public, industrial buildings and constructions.

2 Step 2 - Is the shape / surface / design more relevant for the function than the chemical composition?

For the Decorative Covering “AMK” to meet its required function the shape of the covering and glass mesh is important as without the required shape the system would not attach to the surface correctly.

However, it is also true that if the product was not made up of components which could provide protection from atmospheric influence, and does not interfere with natural ventilation the product would not be able to fulfil its function. Therefore, both the shape and chemical composition of the product are equally relevant for the function of the product and it is not possible / unambiguous to conclude which is more relevant.

3 Step 3 - Does the object contain a substance / mixture that can be separated from the object?

The Decorative Covering “AMK” contains s made up of various components which are combined and solidified to form the final product (See Figure 3 below).

CAS No	weight, g	%	Name (IUPAC)
-	1110	69.3	Мраморная крошка (Marble chips)
-	200	12.5	Акрил (Acrylic)
1309-37-1	0.24	0.015	Пигмент железокисный красный (Diiron trioxide)
1317-61-9	0.04	0.0025	Пигмент железокисный черный (Triiron tetraoxide)
52357-70-7	0.72	0.045	Пигмент железокисный коричневый (Iron oxide brown)
51274-00-1	0.12	0.0075	Пигмент железокисный желтый (Iron hydroxide oxide yellow)
25038-59-9	130	8.13	Пленка полиэтилентерефталатная (Poly(oxy-1,2-ethanediyloxycarbonyl-1,4-phenylenecarbonyl))
65997-17-3	160	10	Стеклосетка фасадная (Glass, oxide, chemicals)

Figure 5 – Composition of the Decorative Covering “AMK”

Once the above components have been mixed together, they are solidified with the resulting product unable to be separated back into individual components. There is also not expected to be any instances of components being released individually.

4 Step 6 – Indicative Questions (step 4 & 5 are not deemed applicable)

According to the assessment made under step 3, the product does not contain a substance or mixture that can be physically separated. However, deciding whether the object fulfils the REACH definition of an article or not may still be difficult. In these cases, the ECHA guidance document includes the following indicative questions may be used in order to better determine whether or not the object is an article. These questions are used to support the evaluation of the importance of the chemical composition versus the shape/surface/design in relation to the function and thus facilitate the application of the article definition;

Question	Discussion	Result
<p>Question 6a - Does the object have a function other than being further processed? <i>If the object predominantly has other functions (i.e. end-use functions), then this may be an indication that it is an article according to the definition of REACH.</i></p>	The Decorative Covering “AMK” is not further processed and therefore does have another function.	YES
<p>Question 6b - Does the seller place the object on the market and/or is the customer mainly interested in acquiring it because of its shape/surface/design (and less because of its chemical composition)?</p>	From discussions with PE Dzhelaukhov S.G it appears that customers purchase the product for both its shape and chemical properties (i.e to provide protection from atmospheric influence).	NO
<p>Question 6c - When further processed, does the object undergo only “light processing”, i.e. no gross changes in shape?</p>	As confirmed by PE Dzhelaukhov S.G , DECORATIVE COVERING “AMK” is not further processed, therefore there are no changes in the products shape.	YES
<p>Question 6d - When further processed, does the chemical composition of the object remain the same?</p>	As confirmed by PE Dzhelaukhov S.G , DECORATIVE COVERING “AMK” is not further processed. Therefore, there is no impact on the chemical composition of the product and no additives etc. are included.	YES

Decision-Making Conclusion

In concluding whether the object is an article or not, the answer to all of the relevant indicative questions should be considered and not only the answer to one of them. Predominantly answering with yes to the questions indicates that the object is an article. Predominantly answering no to the questions indicates that the object is a substance or mixture.

With this in mind, and taking into consideration the answer to all questions was yes, the product is determined to be an article.

Yordas Final Opinion

In line with REACH Regulation (EC) No 1907/2006, without further input from the competent authority, and taking into consideration the legal text, Yordas are of the opinion that the Decorative Covering “AMK” meets the definition of an article.

Therefore, the product is exempt from all registration, SDS and labelling requirements. However, supply chain communication requirements still apply where it is found that the product contains an SVHC above a concentration of 0.1% weight by weight.

Disclaimer

Reasonable efforts have been made throughout the review process to reach the conclusions and recommendations provided. The conclusions and recommendations given in this report are based upon and therefore limited to the information available, and provided by the client. As such, Yordas Group accepts no liability if any regulating or enforcement bodies do not reach the same conclusions or recommendations.