Follow-up REACH, CLP and BPR Regulations and autonomous adaptation of Swiss chemicals legislation

Up-dated on 1 February 2022

This document gives an overview of the planned or effective amendments of the EU REACH, CLP and BPR regulations not yet considered in the most recent revisions of the Swiss legislation on chemicals.

Only the modifications officially published by EU (TBT notification, official journal) or the restriction proposals published for consultation (ECHA) are considered.

If possible, an estimation of possible adaptation of the Swiss legislation is given.

Situation of the Swiss Chemicals legislation on 1 February 2022:

Chemicals Ordinance (ChemO, SR 813.11): Status as of 1.2.2022, considering REACH as last amended by Regulation (EU) n° 2020/878 (Annex II REACH) [see Annex 2.3] and CLP as last modified by Regulation (EU) n° 2021/847 (17th ATP) [see Annex 2.1]. Annex 3 ChemO considering ECHA list of SVHC as last amended by ECHA decision D(2021)4569-DC. Regulation (EU) 440/2008 as last modified by Regulation (EU) 2019/1390 [see annex 2.2]

Chemical Risk Reduction Ordinance (ChemRRO, SR 814.81): Status as of 1.2.2022, considering REACH as last amended by Regulation (EU) 2021/2204 [see annex 1.10]

Ordinance on Biocidal Products (OBP, SR 813.12): Status as of 1.2.2022, based on Regulation (EU) 528/2012 as last modified by Regulation (EU) 334/2014.

Ordinance on Procedures for the Enforcement of the ordinance on Biocidal Products (SR 813.121): Status as of 1.03.2018, considering Implementing Regulation (EU) 2016/1802.

What	Date	EU intention /decision	Date	CH intention / decision
Harmonised classification and labelling (annex VI CLP)				
15. ATP to CLP	11.8.2020	Commission Delegated Regulation (EU) 2020/1182 adds 37 new substances with harmonized classification and labelling to Annex VI of the EU CLP Regulation, 21 existing entries are modified and two entries are deleted		Subject of a revision of annex 2 ChemO (in force since 15 December 2020) Classification and labelling according to the 15th ATP will become mandatory in Switzerland and in the European Economic Area as of March 1, 2022. CMR-Substances included in the 15. ATP can no longer be sold to the General Public from this date on (see Annex 1.10 ChemRRO)
17. ATP to CLP	28.5.2021	Commission Delegated Regulation (EU) 2021/849, adds 22 substances with harmonized classification and labelling to Annex VI of the EU CLP Regulation, 41 existing entries are modified and one entry is deleted.		Subject of a revision of annex 2 ChemO (in force since: 1 September 2021) Classification and labelling according to the 17th ATP will become mandatory in Switzerland and in the European Economic Area as of 17 December 2022. CMR-Substances included in the 17. ATP can no longer be sold to the General Public from this date on (see Annex 1.10 ChemRRO)
SVHC: Candidate list and annex XIV REACH				
Addition of 4 SVHC to the candidate list	17.01.2022	*Candidate list contains 223 substances* D(2021)10043-DC		Subject to the next revision of annex 3 ChemO (foreseen to come in force in second half of 2022)
Addition of 8 SVHC in the candidate list	8.07.2021	*Candidate list contains 219 substances* D(2021)4569-DC		Subject to a revision of annex 3 ChemO (in force since 1st February 2022)
Addition of 2 SVHC in the candidate list	19.01.2021	*Candidate list contains 211 substances* D(2020)9139-DC		Subject to a revision of annex 3 ChemO (in force since 1st September 2021)

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Addition of 4 SVHC in the candidate list	25.06.2020	*Candidate list contains 209 substances* D(2020)4578-DC		Subject to a revision of annex 3 ChemO (in force since 15 December 2020)
Addition of 4 SVHC in the candidate list	16.01.2020	*Candidate list contains 205 substances* ECHA_01_2020.		Subject to a revision of annex 3 ChemO in force since 15 December 2020)
Addition of 11 substances in Annex XIV	7.2.2020	*Autorisation list contains now 54 substances* *Commission Regulation (EU) 2020/171*		Subject to a revision of annex 1.17 ChemRRO; In force since 1.11.2020
Restrictions (annex XVII REACH)				
published				
Bisphenol A	13.12.2016	Restriction of use in thermal paper Regulation (EU) 2016/2235		Subject of the latest revision of ChemRRO (Federal Council decision of 17.4. 2019; in force since 16.12.2020). Includes also a restriction for Bisphenol S in thermal paper as well as a timely limited exception (31.5.2025) for thermal papers with BPA/BPS used in some specific applications.
microplastics	12.6.2019	Restricting placing on the market of plastic containing additives that cause the plastic to break down into microparticles or chemically degrade by oxidation (oxo-degradable plastics) Directive (EU) 2019/904		Subject of an ongoing revision of ChemRRO (expected entry into force: mid 2022)
Diisocyanates	3.8.2020	Restriction concerning placing on the market or professional and industrial uses Commission Regulation (EU) 2020/1149		Under evaluation
Substances used in tattoo inks and permanent make-up	14.12.2020	Restricting the placing on the market of certain chemicals in tattoo inks and permanent make-up. Regulation (EU) 2020/2081		Subject of a next revision of the HumankontaktV (SR 817.023.41; Lead BLV)

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CMR Chemicals in medical devices	16.12.2020	Exemption for medical devices from entries 28 - 30 in Annex XVII of the REACH Regulation (restriction on supplying substances/preparations containing CMRs to the general public). This is justified by the fact that the Medical Devices Regulation (EU) 2017/745 contains detailed provisions on CMR substances (Annex I, Chap. II, No. 10.4). Regulation (EU) 2020/2096		Subject of an ongoing revision of ChemRRO (expected entry into force: mid 2022)
lead in gunshot in or around wetlands	25.1.2021	Restriction on the use of lead shots over wetlands Commission Regulation (EU) 2021/57		Under consideration
Polycyclic-aromatic hydrocarbons (PAH)	20.7.2021	Restricting placing on the market of plastic, rubber and other granules containing PAHs above a set concentration limit for use as infill material on synthetic turf pitches or for use as loose granules or mulch on playgrounds and sport applications. Commission Regulation (EU) 2021/1199		Subject of an ongoing revision of ChemRRO (expected entry into force: mid 2022)
Perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs)	4.8.2021	Restriction on the manufacturing of C9-C14 PFCAs, their salts and related substances and on their use, placing on the market and import as substances on their own, in mixtures or in articles. Commission Regulation (EU) 2021/1297		Subject of an ongoing revision of ChemRRO (expected entry into force: mid 2022)
N,N-dimethylformamide	19.11.2021	Risk reduction for the general worker population Commission Regulation (EU) 2021/2030		Under consideration
CMR Substances	13.12.2021	Restriction of the supply to the general public (private users) of CMR substances on their own and in mixtures (CMR substances formerly classified by the 15. and 17. ATP to CLP) Commission Regulation (EU) 2021/2204		Subject of a revision of annex 1.10 ChemRRO. In force since 1.2.2022 Mandatory: 1.3.2022 for substances of the 15. ATP CLP 17.12.2022 for substances of the 17. ATP CLP

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Selected Restrictions under consideration				
Octamethylcyclotetrasiloxane (D4); Decamethylcyclopentasiloxane (D5); Dodecamethylcyclohexa siloxane (D6)	21.1.2021	The placing on the market of three cyclic siloxanes (D4, D5, D6) as well as preparations containing these siloxanes is restricted. In addition, the use of these siloxanes in dry cleaning is to be restricted to D5 for use in closed systems. COM decision pending		Subject of a next revision of ChemRRO
perfluorohexane sulfonic acid (PFHxS) and preparations and articles containing PFHxS	10.12.2020	The production, placing on the market and use of perfluorohexane sulfonic acid (PFHxS) and preparations and articles containing PFHxS will be restricted. COM decision pending		Subject of an ongoing revision of ORRChem (expected entry into force: mid 2022)
Substances in single-use baby diapers		Reduction of health risk associated with the wearing of single-use baby diapers on children and infants under the age of three that are placed on the market and can contain polycyclic aromatic hydrocarbons (PAHs), polychlorodibenzo-p-dioxins (dioxins or PCDDs), polychlorodibenzofurans (furans or PCDFs), polychlorobiphenyls (PCBs) and/or formaldehyde. on-going process by ECHA		Under evaluation
Lead compounds / PVC	21.12.2018	Restriction on the use of lead compounds to stabilise PVC and on the placing on the market of PVC articles stabilised with lead compounds COM decision pending		Under evaluation
Skin sensitizing substances	6.5.2021	Restriction on the placing on the market of textile, leather, hide and fur articles containing skin sensitising substances. COM decision pending		Under evaluation

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formaldehyde and formaldehyde releasers	2.3.2021	Restriction of formaldehyde and formaldehyde releasers in mixtures and articles for consumer uses COM decision pending		Under evaluation
2,4-dinitrotoluene	25.10.21	Restriction on the placing on the market or use of 2,4 dinitrotoluene in articles for supply to the general public or to professional workers in concentrations greater than 0.1 % weight by weight. on-going process by ECHA		Under evaluation
Other adaptations to REACH				
Commission regulation amending Annexes I, III,VI, VII, VIII, IX, X, XI, and XII to address nanoforms of substances	4.12.2018	Nanoforms are specifically addressed in the REACH annexes. OJ L 308/1 of 4.12.2018		deferred for the time being
Commission Regulation (EU) 2020/878 amending Annex II to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	18 June 2020	The requirements for the SDS are adapted e.g. for the UFI and nanoforms *OJ L 203, 26.6.2020, p. 28–58*		Subject to a revision of Annex 2 ChemO (in force 15 December 2020) The parts concerning nanoforms will not be obligatory in Switzerland
Commission Implementing Regulation (EU) 2020/1435 of 9 October 2020 on the duties placed on registrants to update their registrations under Regulation (EC) No 1907/2006 of the European Parliament and	09.10.2020	The delays for an update of registrations are laid down. *OJ L 331, 12.10.2020, p. 24-29*		No action required in Switzerland. Obligations to update Notifications of new substances already exist in the ChemO.

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of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)				
Commission Regulation (EU) 2021/979 of 17 June 2021 amending Annexes VII to XI to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	17.06.2021	The requirements for a registration are defined more precisely. *OJ L 216, 18.6.2021, p. 121–132*		Will be introduced with the next revision of ChemO (foreseen in early 2022). The parts concerning nanoforms will not be obligatory in Switzerland
Other adaptations to CLP				
Annex VIII CLP	22.3.2017	Commission Regulation (EU) 2017/542 of 22 March 2017 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures by adding an Annex on harmonised information relating to emergency health response OJ L 78/1 of 23.3.2017		The UFI has been completely introduced with the revision of the OBP and ChemO (in force since 15.12.2020 – the provisions concerning the UFI will be introduced stepwise from 1.1.2022 – 1.1.2025). Generic names for perfumes and colours as well as exemptions for cement and beton according to standard formulas will be introduced with the next revision of the ChemO (foreseen in early 2022).
1st ATP of Annex VIII CLP	29.10.2019	Commission Delegated Regulation (EU) 2020/11 of 29 October 2019 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards information relating to emergency health response *OJ L 6, 10.1.2020, p. 8–14*		The time shift for the delay of notifications will not be implemented in ChemO, as the delays in Switzerland are later than in the EU.

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2nd ATP of Annex VIII CLP	31.8.2020	Commission Delegated Regulation (EU) 2020/1677 of 31 August 2020 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures in order to improve the workability of information requirements related to emergency health response C/2020/5758 *OJ L 379, 13.11.2020, p. 3–23*		It will be checked whether the concept of Interchangeable compound groups and standard formulars will be introduced into the ChemO
Modification of Art. 25 CLP	31.8.2020	Commission Delegated Regulation (EU) 2020/1676 of 31 August 2020 amending Article 25 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards bespoke paints C/2020/5759 *OJ L 379, 13.11.2020, p. 1–2*		The change is foreseen to be introduced with the next revision of the ChemO (foreseen early 2022)
Biocidal active substances				
Postponing the expiry date of approval		Commission Implementing Decision (EU) 2021/2146 of 3 December 2021 postponing the expiry date of approval of N,N-diethyl-meta-toluamide for use in biocidal products of product-type 19 EUR-Lex - 32021D2146 - EN - EUR-Lex (europa.eu)		Adaptation of annex 2 OBP in 2022.
Non approval of active substances	29.01.2021	Commission Implementing Decision (EU) 2021/103 of 29 January 2021 not approving carbon dioxide as an existing active substance for use in biocidal products of product-type 19		Non approval decisions are not adapted in Swiss law. The swiss notification authority will inform concerned Z_N/Z_B authorisation holders about the non approval decision.
Non approval of active substances	28.01.2021	Commission Implementing Decision (EU) 2021/98 of 28 January 2021 not approving esbiothrin as an		Non approval decisions are not adapted in Swiss law. The swiss notification authority will

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		existing active substance for use in biocidal products of product-type 18		inform concerned Z_N/Z_B authorisation holders about the non approval decision.
Non approval of active substances	25.11.2020	Commission Implementing Decision (EU) 2020/1765 of 25 November 2020 not approving chlorophene as an existing active substance for use in biocidal products of product-type 2		Non approval decisions are not adapted in Swiss law. The swiss notification authority will inform concerned Z_N/Z_B authorisation holders about the non approval decision.
Non approval of active substances	15.07.2020	Commission Implementing Decision (EU) 2020/1036 of 15 July 2020 on the non-approval of certain active substances in biocidal products pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council		Non approval decisions are not adapted in Swiss law. The swiss notification authority will inform concerned Z_N/Z_B authorisation holders about the non approval decision.
Non approval of active substances	2019	Commission Implementing Decision (EU) 2019/1959 of 26 November 2019 not approving silver sodium hydrogen zirconium phosphate as an existing active substance for use in biocidal products of product-types 2 and 7 Commission Implementing Decision (EU) 2019/1960 of 26 November 2019 not approving silver zeolite as an existing active substance for use in biocidal products of product-types 2 and 7 Commission Implementing Decision (EU) 2019/1973 of 27 November 2019 not approving silver copper zeolite as an existing active substance for use in biocidal products of product-types 2 and 7 Commission Implementing Decision (EU) 2019/1942 of 22 November 2019 not approving carbendazim as an existing active substance for use in biocidal products of product-type 9 (Text with EEA relevance)		Non approval decisions are not adapted in Swiss law. The swiss notification authority will inform concerned Z_N/Z_B authorisation holders about the non approval decision.
Commission Decisions according to article 3 (3) BPR				

What	Date	EU intention /decision	Date	CH intention / decision
		Commission Implementing Decision (EU) 2022/146 of 1 February 2022 determining whether a product containing Alkyl (C12-16) dimethylbenzyl ammonium chloride is a biocidal product, pursuant to Article 3(3) of Regulation (EU) No 528/2012 of the European Parliament and of the Council		
Other adaptions to BPR				
	26.03.2021	Commission Delegated Regulation (EU) 2021/525 amending Annexes II and III to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products		The change is foreseen to be introduced with the next revision of the ChemO (foreseen early 2022)