REACH

FTA
Foreign Trade Association

Committed to free trade

REACH Compliance Guide for Importers and Retailers

2007 - July

DISCLAIMER

This guide is intended to guide you to map out what impact REACH will have on you and your company and what you have to do to comply with REACH. **It is prepared exclusively for FTA members and must not be circulated to non-members or quoted in publications without the express permission by the FTA.**

The information in the guide is based on the text of REACH, on the REACH Implementation Project 3.8 and the opinions of various legal and chemical experts. It is written, however, in the summer of 2007 during the very first weeks of the lifespan of REACH (which entered into force on June 1, 2007). It is therefore likely that the contents may not entirely reflect the final and definitive legal interpretation of REACH.

It is expected that the European Chemicals Agency (not operational until June 1, 2008) will provide guidelines to importers at a later stage (important guidelines are expected in the fall 2007). It may also happen that some points of interpretations will be disputed and ultimately brought before the European Court of Justice. The Agency guidelines thus provided, and putative rulings by the Court, might of course modify the way REACH has to be interpreted potentially making parts of this guide obsolete.

It goes without saying that our ambition is to ensure that this guide is accurate and useful. **None of the information contained herein, however, should be construed as legal advice, nor are FTA advisors engaged in the practice of law.** If you need legal advice, please seek the advice of independent legal counsel.

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1. INTRODUCTION

Is your business REACH-compliant?

When REACH entered into force in June 2007, it replaced a patchwork of many different EU Regulations and Directives and added some legislative news. One major change is that the rules will affect European importers and retailers that are normally not subject to chemical legislation.

REACH has an impact on you if you import

- shoes
- textiles and clothing
- furniture
- tools
- office equipment
- toys
- kitchenware
- household appliances
- paint
- and many other ordinary consumer goods

This FTA guide aims at helping you and your company in complying with REACH. It is aimed at assisting *importers* and *retailers* and not manufacturers. Importation refers to imports *from outside of the EU*. Norway, Iceland and Liechtenstein are not members of the EU but they will apply REACH anyway under a special arrangement between them and the EU. This means that imports from these three countries will not be regarded as importation for the purpose of REACH.

Accordingly, if you ship something from the following countries, REACH does *not* apply to that shipment:

Austria	Greece	Netherlands
Belgium	Hungary	Norway
Bulgaria	Iceland	Poland
Cyprus	Ireland	Portugal
Czech Republic	Italy	Romania
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden
Germany	Malta	United Kingdom

Importation from Switzerland falls thus under REACH. In the following, whenever the term EU is used it refers to the 27 EU Member States plus Norway, Iceland and Liechtenstein.

As an importer, you are responsible that your imports are REACH compliant. You cannot blame the supplier outside of the EU for not having provided sufficient information. You *have* to make sure you get the information you need.

REACH has a different degree of impact on your business depending on what you do. To *textiles and clothing* importers, REACH may have limited effects. Companies running *supermarkets* or chains of *DIY stores* will be more affected.

What are the obligations I should be aware of?

As an importer in the EU you are subject to:

- the obligation to *register* chemicals contained in imported products;
- the obligation to *notify* about chemicals contained in imported products;

As an importer or a retailer in the EU you are subject to:

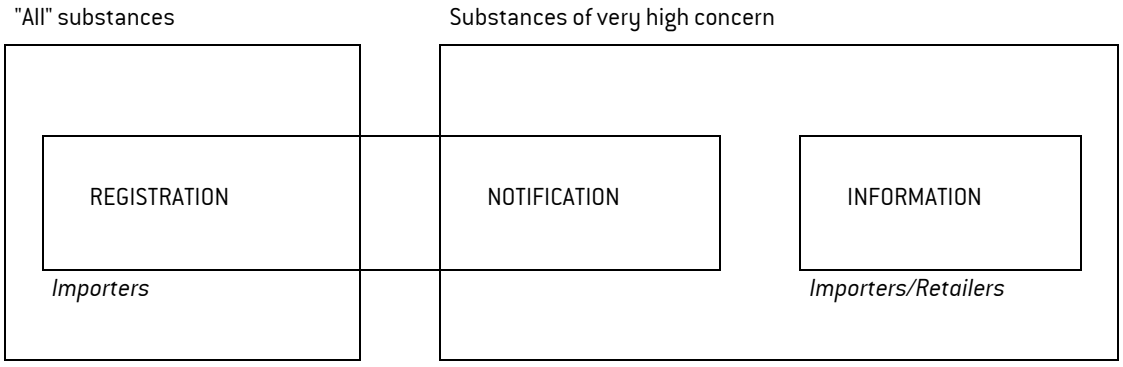
- the obligation to *inform* your customers about chemicals contained in your products.

The idea behind REACH is to have one big registry of all chemicals circulating in the EU so that their effects on humans and the environment can be better measured. This is why importers of consumer goods also have to be covered by REACH. If they were not, chemicals contained in such products would enter the EU without being registered or notified.

The guide is divided into four parts. The first will go through the registration obligation, the second will deal with the notification obligation and the third concerns the information obligation. A fourth part will provide some concluding remarks on how to prepare for and comply with REACH.

For companies importing products themselves, notably the first two sections will apply. As to retailers that buy their imported products from independent importers, traders and wholesalers in Europe, only the last main section (information duty) applies. The registration duty applies to all kinds of chemicals whereas the notification and information duties only apply to certain chemicals that are considered to be "of very high concern."

The following figure illustrates the relationship between obligations, types of chemicals and the operators' status as importers or retailers:



To make the guide as legible as possible, it has been "purified" from legal and bureaucratic lingo. There are no references to the articles or paragraphs of REACH. (The key provisions are contained in the annex.) Questions and Answers and concrete examples are used to improve the understanding.

2. REGISTRATION

Q: How do I know if I have to register the goods I import?

A: First of all, you have to know whether your products are *articles* or *preparations*.

The registration duty applies to chemicals contained in imported products. Depending on the type of product, the registration duty applies differently – or not at all.

The first thing you have to do is therefore to make an inventory of all your imported products and categorize them. This task may of course be time consuming, but it is a vital first step absolutely necessary to take in order to know what impact REACH will have on you.

To begin with, you have to know if your products are *articles* or *preparations*. You need to know this since your obligations change depending on what the product should be categorized as.

So what's the difference? As to *articles*, they are all items that have been given a special design, which determines their functions more than its chemical composition. Examples of articles can be textiles, furniture, shoes, toys and household equipment.

As to preparations, they mere are mixtures of two or more chemical substances. In contrast to articles, it is the composition of the chemical substances that determines the function of the product more than the shape or design of it.

The crucial question you have to ask for each type of imported product is therefore whether its shape and design or its chemical content is the most important for its function.

Example: A coffee mug is an article. Its shape determines its function more than the chemical composition of the ceramic of which it is moulded.

Consumer goods are typically articles. The easiest way to deal with the distinction between articles and preparations seems therefore to be to assume that all products are articles and then try to identify the types of products that are preparations.

Obvious examples of preparations are:

- cans of paint
- detergents and other cleaning products
- liquid soap, shampoo and other personal hygiene products

- bar soap
- spray cans (paint, air fresheners, stain removers, etc)
- polish for shoes or leather accessories

The decision has to be made on a case-by-case basis, but to make the exercise doable, you could start by divide your inventory into categories such as kitchenware, cleaning products and electronics. Make then a decision for each and every category of products. Kitchenware and electronics are typically articles, cleaning products are more likely to be preparations etc. This rough categorization will help you spot the borderline cases for which you have to make an individual determination.

For some "borderline products," it will be possible to argue in both directions. You have to ask yourself whether the design or the chemical content is the most important and base your categorization on the answer to that question.

- *Fire crackers*
  The powder inside the fire cracker (its chemical composition) determines the color of the fire works. This may be important to its function. But the loudness (determined by the size of the container) and the special features (spinning wheel, "bombs," whistles, etc) could be equally important.

- *Fertilizer contained in hose-end sprayers*
  Fertilizers in bottles are preparations. But the opposite could be argued as regards fertilizers sold in special mechanisms designed to be attached as sprayers on garden hoses by which the fertilizers are diluted with the water flowing through the hoses. In this case, the product's shape, its compatibility with garden hoses and the efficiency of the mechanism appear to be at least equally important as the chemical composition of the fertilizer itself.

- *Household aluminum foil*
  That this product could be regarded as a preparation may come as a surprise to some since the word "preparation" brings liquids to mind. Products such as beams, sheet, pipes or wires could, however, be categorized as preparations since their chemical composition (the alloy) may be more important than their shape. This is mostly the case for products sold for further processing.

  For the wholesale and retail sector, it is a bit different. The products are in most cases finished, ready for the end-user to buy them for household purposes. The thickness and length of the wire and other features could be more important than its alloy.

  As to household aluminum foil, the product is not sold loose (as a simple role of foil) but in a cardboard box with metal saw teeth attached on the rim that facilitates the cutting off of the foil. This appears to be the important thing and not the chemical composition of the aluminum. It could therefore be classified as an article and not a preparation.

- *Erasers*
  For a standard rubber eraser, the most important thing would be the chemical composition of the eraser. This is the determinant factor for how efficient the eraser is. It could be a matter of articles, however, in the cases of colored and/or scented erasers that are shaped in different ways. These

erasers are marketed mainly to children and the value-added is the design, not the efficiency. The same could be argued for cap erasers that are designed to be attached on the one end of pencils.

These examples show how it is possible to argue that some grey zone products could be either articles or preparations. The point is that sometimes it is simply not possible to "scientifically" determine the status of a product. You will have to make a decision and find reasonable arguments to support it.

You should be aware of that the categorization of products into articles and preparations has been intensely debated among the EU Member States and the European Commission, which are not entirely of the same opinion in all cases. Once they have reached some sort of consensus, it is expected that more guidance will be given. This might take a while (the discussion will continue in the fall 2007). In the beginning, you must therefore make your own preliminary determination of your products and create arguments to support your "case."

What's more, you are advised to contact your national help desk (see more under *Concluding Remarks*) to see what they have to say about your borderline products. Their advice can give you a hint of how to reason. But be aware of that what they say is not legally binding.

Finally, you should know that although a product such as an aerosol can is classified as a preparation in a container, the actual container can be classified as an article. The hairspray, insect repellent or cooking oil inside the aerosol can is a preparation. The can, including the propellant, is an article.

Q: After this categorization, what do I do then?

A: As to preparations, all chemicals have to be registered. As to articles, on the other hand, you need to identify the ones that contain chemicals that are intended to be released under normal and reasonably foreseeable conditions of use. Only these have to be registered.

By now you should have a list of all your imported goods divided into articles and preparations. Chemical substances in preparations have to be registered. For articles however, registration only applies to the ones containing chemicals that are intended to be released under normal and reasonably foreseeable conditions of use.

From your list of articles, you must therefore identify the ones from which chemicals are supposed to be emitted. The emission has to be intended in that it is essential to the function of the article.

Example: One example could be certain cleaning sponges containing cleaning agents. The chemicals are essential to the function of the cleaning sponge and they will be released from it during its use.

To spot these types of articles, it may not be appropriate to use the generic approach applied when making the distinction between articles and preparations. Articles emitting chemicals may have little to do with the category of products they belong. The approach should instead be to look immediately for the articles from which chemical substances are intended to be released.

Here follows an indicative list of such articles:

- erasers that are considered to be articles (emitting rubber residue when used)
- scented candles (normal candles or matches emit substances in the burning process but this is explicitly excluded from the scope of REACH)
- shoes treated with anti-bacterial agents
- charcoal treated with ignition aid

This is just an indicative list, but it should give you an idea of what kind of articles you should look for.

There are of course borderline cases even here. These may include:

- *Textiles and clothing treated with chemicals*
  Textiles and clothing can be treated with chemicals for various purposes. Substances incorporated in an anorak to make it water-repellent may be released during wash. This release is however not intentional since it is not a part of the function of the article. Rather it should be seen as a "side-effect." The same could be argued for dyes released from clothing during wash.

It should be highlighted that it is *the intention of the manufacturer* (as evidenced by special instructions for example) that counts – not the intention of the consumer. The potential behaviour of some consumers does not change the fact that the release is a mere side-effect. Accordingly, there would be no intended release of dyes from a pair of jeans that the consumer buys with the intention to wash a couple of times before using them in accordance to his own preference.

It is less clear what to do in cases of clothing that the consumer is explicitly instructed to wash prior to use. In such cases, it will be necessary to see whether the intended wash would result in dyes being released. This is not self-evident. The first wash may be instructed for the purpose of letting the dyes in the clothing react with heat and water thus changing slightly without leaving the item. There would accordingly be no release.

A clear case of intended release is perfumed clothing or clothing treated with anti-transpiration or anti-tobacco agents.

- *Adhesive tape*
  The release requirement refers to substances intended to be released during the service life of the articles. The service life of adhesive tape comes to a close when it is removed from the surface where it once was attached. If there is glue residue on the surface, it does not represent an intentional release. Depending on the type of tape, the opposite could of course be argued (such as in the case of correction tapes).

To sum up, *the release has to be intentional in that it is intended by the manufacturer as part of the function of the article*.

Q: Do I have to register *all* substances in preparations and *all* substances contained in articles intended to be released?

A: No. You do not have to register the substances you import in quantities lower than 1 ton per year. There are also some exceptions you should be aware of.

You have to register substances that you import in amounts exceeding 1 ton per year. It does not matter if the substances are hazardous or not. Consequentially, after having made a list of the products you import, and identified the preparations and the articles releasing chemicals, you must ascertain the volumes of the imports and their chemical contents.

You calculate the volumes by taking the average import volume for the three preceding calendar years. If you have not imported the substance during three consecutive years, you will have to use the tonnage for the year of imports.

It is *the legal entity in charge of the importation* that has the obligation to register. Accordingly, importation volumes have to be calculated per legal entity responsible for the imports. Large company groups may have established one central importing subsidiary (*filiales* in French and *Tochtergesellschaft* in German) or several subsidiaries in different EU Member States. In these cases, the central importing unit or each regional subsidiary has to register its own imports.

Mere branch offices (*succursales* in French and *Zweigniederlassungen* in German) that are not legal entities but form part of the bigger group are not responsible for the registration. Instead, it is for the head office to ensure compliance.

There are a number of exceptions to the application of REACH: Some chemical substances are for example explicitly excluded. Before looking at the volumes imported, you should therefore consult Annex IV of REACH where the excluded chemicals are listed. REACH can be found on the website www.echa.eu under *REACH* and *Legislation*. (REACH starts at page 3.) Use the search tool to see whether the substance in question is on the list. If it is, you do not have to calculate your imports of that substance.

Other exceptions apply only to the registration duty. Most notably, you do not have to register the following products:

- Food (food *packaging* – cadmium in cans, ink on labels, other chemicals in plastic packaging materials – may however fall under the registration duty)
- Non-food distilled water for ironing etc.
- Non-food pure oils (sunflower, soybean, linseed, corn, etc.)
- Non-chemically modified coal (charcoal that is not treated with ignition aid preparations)
- Non-chemically modified minerals (untreated cat litter that is not perfumed)
- Non-chemically modified cement clinker
- Non-chemically dirt or soil for garden use

Another important exception applies to preparations only. This concerns your imported preparations that contain substances originating in the EU. Preconditions for the exception are that the substances from the

EU have already been registered and that they are the very same as the ones you re-import. For the exception to apply, you have to be able to prove that the substances are the same and that they have been registered. Another important precondition is that you must have been provided with specific information on the chemicals originating in the EU.

Example: You buy paint from a Hong-Kong-based trader. According to information you have received from the trader, the paint has been formulated in a process where Substances A, B and C, all produced in mainland China, have been mixed with Substances X, Y and Z, which each comes from the EU.

Your inquiry into the supply chain shows that Substances X, Y and Z are the very same as the ones exported by chemical manufacturers in the EU who have also registered these substances.

Upon delivery of the paint, you have also been provided information on the "EU-substances" passed on by their EU manufacturers. The latter are under the REACH obligation to provide with certain information to actors down the supply chain. If this is not the case, you cannot take advantage of the exception.

If it is the case, you do not have to register Substances X, Y and Z.

Before taking you through, step by step, how you calculate your imports, it is important to point out that you register *substances* – not articles or preparations. If the same substance appears in several of your important articles and preparations, you have to calculate the aggregate.

Example: *Sodium lauryl ether sulphate* is a substance that exists in a range of consumer goods. You have to identify the products containing this substance, find out roughly how much of it there is in each product, and add them together:

Shampoo X	10%
Bath Gel Y	20%
Toothpaste Z	1%

You want to know the total amount of *sodium lauryl ether sulphate* in your imported products.

To start with, you should *estimate* volumes. If your estimation indicates that you import below 1 ton of the substance at hand, there is no need to make more exact calculations.

Let's say that your business imports Article A containing a preparation in which Substance S is one ingredient. Weigh one item and multiply it with the average amount of your imports per year. If it is below 1 ton you do not have to continue. If it is more than a ton, it means that the imports of the entire article

exceed the threshold value but that the substance contained in the article may still be imported in lower quantities. You have to estimate the share in weight of Article A that represents the preparation.

If the share is about 20%, you can import 5 tons of Article A before the importation of the preparation surpasses a ton:

20% (preparation) of 5 tons (Article A) is 1 ton.

If you get a volume greater than 1 ton, it is still not sure that Substance S contained in the preparation is imported in quantities over 1 ton. But if you import more than 1 ton of the preparation, you should proceed and find out more about the chemicals contained in it and their shares in weight.

This exercise merely aims at helping you to track the products that you have to focus on (those imported in large volumes). If you already have comprehensive information about your products, their import volumes and their chemical contents, you can of course make calculations immediately without doing estimations first.

It is needless to say that it will be impossible to weigh every single product and the substances contained therein. You have to use common sense and a bit of imagination. If you import a range of varying but similar types of the same product, for example, you may have to estimate averages. If it is difficult to get information of exactly how much you have imported during the last three years, estimate. Make a more thorough assessment only if the estimated values indicate that you are above or close to the threshold value of 1 ton per year.

The estimation model above also helps at planning future imports. You could, for example, estimate that the preparation in Article A contains on average 10% in weight of Substance S. The preparation itself represents about 10% of the weight of Article A. Substance S represents therefore 1% – or 0.01 in decimal form – of each unit of Article A. By dividing 1 ton with 0.01 you get the total amount of Article A units you can safely import before Substance S hits the threshold value. You can thus import 100 ton of Article A before you have imported 1 ton of Substance S.

This estimation is possible to do if your supplier has told you *either*

1) what percentage of the preparation that the substance represents, *or*

2) what weight of the substance that exists in the preparation.

The ideal would be that the supplier informs you, for each and every item exported, the weight of the individual substances contained in the products delivered. You then only have to multiply the weight per unit with the average amount of units imported.

Example 1: Suppose first that your supplier has informed you of the share in weight of the substance *sodium lauryl ether sulphate* contained in three different delivered personal hygiene products:

Shampoo X	10%
Bath Gel Y	20%
Toothpaste Z	1%

Your average import of the products is the following:

100,000 bottles of Shampoo X

50,000 bottles of Bath Gel Y

80,000 bottles of Toothpaste Z

You know how many milliliters there are in each container but not how much they weigh. For some products you can use a standard conversion (by way of example, "100 ml of shampoo equals 120 g"). For other products the density varies too much and it might be necessary to weigh the products individually or per type.

You now know that the three products each weigh per unit:

Shampoo X	400 g
Bath Gel Y	300 g
Toothpaste Z	100 g

The total amounts of yearly average imports in weight are:

Shampoo X	100,000 bottles * 400 g = 40 tons
Bath Gel Y	50,000 bottles * 300 g = 15 tons
Toothpaste Z	80,000 bottles * 100 g = 8 tons

You can now calculate the amount of *sodium lauryl ether sulphate* you import yearly:

Shampoo X	10% of 40 tons = 4 tons
Bath Gel Y	20% of 15 tons = 3 tons
Toothpaste Z	1% of 8 tons = 0.08 ton
TOTAL	7.08 tons

As you can see from the example, it is vital to calculate the aggregate of the substance contained in *all* your imports. If you only looked at the toothpaste product, you would get an amount below 1 ton. In the "first-step estimation" mentioned above, you must therefore make sure that you take into account *all* the products containing the same substance.

Example 2: Your supplier has not just given you the share but the weight of the substances contained in the delivered products. It is therefore easier for you to calculate the total imported amount.

According to your importer, *sodium lauryl ether sulphate* exists in the following quantities per unit:

Shampoo X	40 g
Bath Gel Y	60 g
Toothpaste Z	1 g

The total amounts of yearly average imports in weight are therefore:

Shampoo X	100,000 bottles * 40 g = 4 tons
Bath Gel Y	50,000 bottles * 60 g = 3 tons
Toothpaste Z	80,000 bottles * 1 g = 0.08 ton
TOTAL	7.08 tons

It is imperative that you obtain this information by your supplier. As a first step in complying with REACH, you should therefore already now make sure that the suppliers tell you what substances are contained in the products, to what percentage in weight or to what weight. You should make sure that they are obliged to do so according to the contracts you establish with them.

If you cannot get the necessary information from your supplier, you are still liable under REACH. In such a case it may be possible to obtain information either by common knowledge of the product at hand (for example, "shampoo normally contains 20% of substance so-and-so) or by chemical analysis (assistance from chemical expertise).

One of the lingering uncertainties in REACH, is whether one should add up a substance existing in preparations with the same substance existing in articles or if they should be kept apart. If you need an answer to this question, you are advised to approach your national helpdesk for clarification. This question is expected to be sorted out in discussions between the European Commission and the EU Member States.

Q: When do I register?

A: You should first pre-register your imported substances from June 1, 2008, till November 30, 2008. By doing so, you benefit from the special transition scheme of the registration duty. This means that this duty will be phased in over a period of time.

If you import a substance in quantities greater than 1 ton per year, the substance must be registered. If not, you are not allowed to import it.

Applied strictly, this rule would ban imports of all existing substances on the day of the entry into force of REACH. To avoid this situation, existing substances (substances existing in the EU before June 1, 2007) are allowed to be registered step-by-step. During this phasing-in of the registration obligation, you are allowed to maintain the importation of the substances in question.

To be able to benefit from the phasing-in, you must participate in a so-called pre-registration process starting on June 1, 2008 and ending on December 1, 2008. During this period, you will have to let the new European Chemicals Agency – ECHA – know of all your imports that will be subject to REACH.

If you choose not to take part in the pre-registration, you miss this opportunity and all your imported substances must be registered immediately. Pre-registration should therefore be seen as a benefit to take advantage of and not something to circumvent.

Depending on how much you import and the type of substances imported, different deadlines for registration apply.

June 1, 2008	Pre-registration starts
December 1, 2008	Pre-registration ends
December 1, 2010	Before this date, you must register all substances that you import in quantities exceeding 1,000 tons. You must also have registered substances that are imported in quantities exceeding 100 tons if they are *very toxic to aquatic organisms*. Finally, you must have registered substances imported in quantities exceeding 1 ton if they are *carcinogenic*, *mutagenic* or *toxic for reproduction*.

June 1, 2013	Before this date, you must register all imported substances exceeding 100 tons.
June 1, 2018	Before this date, you must register all imported substances exceeding 1 ton.

Again, you can only benefit from this phasing-in of the registration duty if you have pre-registered your imported substances.

The registration process has sometimes been misunderstood. Some importers believe that they can avoid the obligations under REACH simply by letting others register first. This free-rider strategy does not work. The very same substance will be registered several times – one registration dossier for each substance *and* importer.

By adopting the free-rider strategy, you only risk missing the pre-registration period resulting in that all your imports falling under the registration duty have to be registered at once. Since it is virtually impossible to submit complete registration files for all your substances immediately, there will be, in effect, an import ban on your products.

Example: A certain type of cleaning tissue commonly used all over Europe is known to contain Solvent X. Companies A, B and C import such cleaning tissues from China in volumes big enough to fall under the registration duty as regards Solvent X. They import each a yearly amount of the solvent below 100 tons but exceeding 1 ton.

A and B decide to pre-register their imports. They calculate their total importation of Solvent X and submit the necessary information to ECHA. They now befit from the transition period which in their case means that they can wait until 2018 to register. Up till then they are allowed to continue importing the tissues containing the solvent.

C on the other hand, has chosen not to do anything at all believing that since A and B will register Solvent X, there is no need for him to do so. At a later stage, beyond the pre-registration period, ECHA discovers that there are only pre-registration dossiers for Solvent X imported by A and B. It has not received any information at all from company C. Accordingly, C does not enjoy the phasing-in deadlines of the registration duty and its imports have to be registered immediately. This is a lengthy process for C during which it has to stop its import of the tissues entirely, leading to a significant loss of market shares in Europe.

For substances in articles (as opposed to substances in preparations) there is a possibility that after pre-registration you will not have to submit a proper registration. The reason is that once pre-registered, the substances will not have to be registered if this has already been done *for the same use*. In other words, if another importer has already registered his imports of a certain chemical for a certain use, then you will

not have to register your imports. This does not mean that you can be a free-rider and skip the pre-registration. What it means is that after pre-registration, the actual registration might not be necessary in the end. Remember that this only applies to substances in articles and not in preparations.

Example: As in the example above, A, B and C import cleaning tissue containing Solvent X. They all pre-register their imports. A and B import less than 100 tons each of Solvent X whereas C imports more than that. The deadline for the registration by A and B is therefore 2018. But C has to submit his registration already in 2013.

In 2015, the registration of Solvent X for the specific use of being an agent in cleaning tissues is finalized. Therefore, there is no need for A and B to submit registrations before 2018.

You could of course exploit this by reducing your imports of a certain substance for a certain use, if you know that you are close to a threshold value and that there are other companies that import volumes above that threshold. On the other hand, this might not be beneficial to you for a range of other reasons. Maybe you sell more and more of your product for each year. The limited burden of doing the registration (while other smaller importers avoid this) may be something you are ready to accept weighed against the benefits you make from continuing your imports (and sales).

Finally, it should be mentioned that you may pre-register a substance after the pre-registration period on two conditions. These are that you start importing the substance in volumes exceeding 1 ton *after* December 1, 2008, and that the substance already exists in the EU.

Let us now go back to the question of how you know when you have to submit the actual registration. According to the way the phasing-in is set up, you need to know:

1. in what tonnage band your imports fall (0-1, 1-100 or 100-1,000 tons), *and*

2. whether the substance at hand is classified as very toxic to aquatic organisms, carcinogenic, mutagenic or toxic for reproduction.

To calculate the yearly average tonnage of imports of a specific substance, you have to make the estimation/calculation of your import volumes *every year*. In other words, it is not enough that you know your imports at the start of the pre-registration period, you will have to continuously ascertain them to check that they do not increase to the extent that a new deadline will apply.

Example 1: Before June 1, 2008, when the pre-registration period starts, you calculate your average imports of Substance X using the import figures from the years 2005, 2006 and 2007. Your calculation tells you that you import 95 tons of Substance X as a yearly average during the period 2005-2007.

Your imports of Substance X fall within the 1-100 tonnage band meaning that you have to register it before June 1, 2018. It is a relief for you that you have another 10 years before you have to submit a registration. At the same time, you realize that your imports are only 5 tons away from the 100 ton threshold and that they very well might surpass it as your sales are improving for every year.

In 2009, you have the necessary figures to update your imports calculation, this time based on the years 2006, 2007 and 2008. The updated figure for Substance X imports is 110 tons. You therefore have to make a registration before June 1, 2013.

This example tells you that although your imports are below a threshold value (1, 100 or 1,000 tons) initially, you would do best in making a rough estimation for how the imports will develop. If you come close to a threshold value, you might want to prepare for having an earlier deadline than originally estimated.

Example 2: As in the previous example, your "2008 calculation" (for your average imports 2005-2007) is 95 tons. But now you remain below the 100 ton threshold for the succeeding years' updated calculations.

Then, in June 2014, beyond the deadline for the registration of imports above 100 tons, you calculate your imports as being 120 tons. This means that you can no longer wait till June 2018 to make the registration. On the other hand, it does not mean that you cannot continue your importation at all. Instead you need to register the imports *without delay*.

Again, it is clear that you benefit from estimating your imports ahead in time so that sudden registration requirements can be managed.

Example 3: Suppose now that your imports of Substance X consist of 120 tons in 2008 but that they thereafter decrease below the 100 ton threshold. In this case, the deadline does *not* change from June 2013 to June 2018. If your imports once have surpassed a threshold value (in this case, 100 tons) the first deadline will still apply (June 2013).

Apart from knowing within what tonnage bands your imported substances fall, you need to ascertain whether they are classified as very toxic to aquatic organisms, carcinogenic, mutagenic or toxic for reproduction.

The identification of chemicals is crucial to ensure compliance with all of the three main obligations under REACH (registration, notification and information). To identify chemicals, the information flow in your supply chain is vital. Knowing what chemicals are contained in what products enables you to proceed and consult the national help desk in your country for more information on the classification of the chemicals you import.

Q: How will the registration process actually work?

A: You first map out the substances you need to register using computer software and you then submit it electronically during the pre-registration period. After that, you will be hooked up with other companies importing the same substances to share chemical data. Finally, you will register the substances you import using the chemical data obtained.

Before pre-registration (up till June 2008)

For the pre-registration, you must submit some basic information on the identity of the substance, how much you import (to indicate the registration deadline) and your identity (your contact details). You can compile the information in any way you like (in an Excel document for example), but it has to be submitted in a format compatible with XML (which Excel is). You will also be able to submit the data directly online.

You can also use the International Uniform Chemical Information Database version 5 – or IUCLID 5. This database has been created to facilitate international data sharing in a range of different contexts and can also function as an information tool for the purpose of the pre-registration under REACH. You can download IUCLID 5 free of charge already today from this website:

www.iuclid.eu

You sign up under "Get IUCLID 5" and obtain a user-ID and a password enabling you to download and use the software – that is, collecting and managing chemical data.

During the pre-registration (June 1 – December 1, 2008)

When you submit data during the pre-registration period, you export the information you have assembled and dump it into the online IT tool of ECHA called REACH-IT, which is planned to be launched next year. Observe that IUCLID 5 *must* be used when you do the actual registration. For this reason, it is advised to use it already for your pre-registration so that your chemical data is always kept in the same format.

To learn more about how the software functions, you can use online training tools or read manuals or installation guidelines on the website referred to above under "Get support." You don't have to download and read the plus 2,000 page IUCLID 5 End User Manual. Instead, use the IUCLID 5 Getting Started Manual which has all the information you need. If you have problems when using the program, press "F1" for help.

After pre-registration (after December 2008)

The pre-registration aims at pooling the information on substances so that expensive chemical assessments (and tests on animals) can be kept to a minimum. Instead of having 400 companies making

chemical assessments on their own, pre-registration allows them to be aware of each other, coordinate research and minimize costs.

When the pre-registration is over, companies that import (and manufacture) one and the same substance will be brought together in a so-called Substance Information Exchange Forum – SIEF. There will be one SIEF for every substance pre-registered. The SIEFs aim at facilitating the coordination of the chemical assessments that have to be done.

Two things should be highlighted here. *First*, if you have pre-registered a substance you *must* take part of the SIEF for that substance. You can not choose to sit on the sidelines and wait to see how the SIEF works and then opt-in at a later stage. *Second*, the formation of SIEFs is intended to be taken care of by the companies themselves. In other words, you must not assume that ECHA will contact you and tell you which SIEFs you have to take part in. If you have pre-registered Substances X, Y and Z, you have to participate in the respective SIEFs.

So how do you do this? Well, when you submit your pre-registration online using the REACH-IT tool, you will be asked if you would like to be a "SIEF Formation Facilitator" for the substance at hand. If another company has already accepted to do this, you will not be asked. This means that for each and every substance, there is not only a SIEF, but also a company (an importer or manufacturer) who has agreed to coordinate the exchange of information. So, to answer the question of how you take part in a SIEF, you should contact the SIEF Formation Facilitator. All pre-registered substances, the companies that will register them, their contact details and the identity of the SIEF Formation Facilitator will be published on ECHA's website before January 2009. (Every substance will have its own website where all the information you need is posted.)

Data sharing among potential competitors may of course cause problems in terms of competition law (competitors must not coordinate imports to affect prices for example) or sensitive business information (you might not want to reveal your import figures for a certain substance to your competitors). For this reason, the information exchange will most likely be regulated by a confidentiality agreement between all SIEF participants or by a "black-box" mechanism (all the information is processed by a third independent party). This will, however, be a matter of internal organization for each and every SIEF.

If you are worried that sensitive information will leak to your competitors, you can appoint a third party (a consultancy or a law firm for example) that will function as your "mailbox." This means that when you pre-register your imports, you give the contact details of the third party instead of yourself. No-one will know that the registered substances are imported by you.

You should be aware of the possibility to take part in the pre-registration and the SIEF *even if you import less than 1 ton of a substance*. You might want to consider taking advantage of this possibility if you need information on the substance at hand, or if you import just below the threshold value and you expect that your imports will increase.

There will be no fee for submitting the pre-registration.

Registration (2009 and onwards)

When the time has come for the actual registration, you will be required to submit a special registration dossier for each imported substance that fall under the registration duty. If your submission fulfills all the formal requirements, it will pass a first stage "completeness check" and you will get a registration number specific to that dossier. Thereafter ECHA will assess the contents of your submission.

What's more, all participants in one and the same SIEF will have the opportunity to submit a registration jointly. This will be up to each and every SIEF to decide. If this is the preferred way of registering, the SIEF participants will appoint a "lead registrant" who will be in charge of the registration.

Finally, it should be pointed out that you have to pay a registration fee (the amount of which is not yet decided). If you have not paid, you will not get a registration number and your substance will not be regarded as registered.

Q: What kind of information do I have to submit?

A: During the pre-registration period, you only have to submit some basic information. For the actual registration, you will submit different amount of information depending on how much you import or the nature of the imported chemicals.

Information to submit during the pre-registration

The information submitted during the pre-registration should contain the following:

- Your identity and contact information
- Name of the substance
- EINECS and CAS numbers of the substance
- Imported tonnage and expected registration deadline

The EINECS and CAS numbers are identity codes used for chemical substances. EINICS stands for European Inventory of Existing Commercial chemical Substances and CAS for Chemical Abstracts Service. If you have the name of a substance, you can find its EINECS and CAS numbers in the European Chemical Substances Information System which can be found at this website:

http://ecb.jrc.it/esis/

Information to submit in the registration

For all registrations, you need to submit a technical dossier. This must contain the following information:

- Your identity and contact information
- The identity of the substance and its use
- Imported tonnage per year (indicating the registration deadline) and exposure information
- The classification and labelling of the substance
- Guidance on its safe use
- Study summaries of the information on the intrinsic properties of the substance
- An indication as to whether the information has been reviewed by an assessor
- Proposals for further testing if relevant
- A Chemical Safety Report (for substances imported in volumes exceeding 10 tons per year)

This kind of information is to be compiled in the SIEF. It will therefore become clearer once the SIEF process starts, how you can obtain the data needed. For the time being, you should focus on getting the information necessary for the pre-registration

3. NOTIFICATION

Q: What products do I have to notify?

A: You have to notify certain substances "of very high concern" imported in volumes exceeding 1 ton per year and present in articles above a concentration of 0.1% in weight.

We have now gone through the registration obligation. In a way, due to its wide scope (virtually all chemicals are affected) and its complex rules, this duty may become the most burdensome feature of REACH for manufacturers and importers at large. For the typical importer of articles, however, the notification and information duties may have as much of an impact even though they *only apply to articles* and not preparations.

A common feature of the both obligations is that they only apply to *a certain set of substances* that are regarded to be "of very high concern." The idea is that these chemicals must be notified even though they are not intended to be released. A piece of furniture painted with a paint containing a substance of very high concern might therefore be subject to the notification duty although the substance is not emitted from the object in question.

Some important conditions apply:

- The imported volume of the substance in question must be at least 1 ton per year
- The substance must be present in the article above a concentration of 0.1% in weight.
- The substance must be a "substance of very high concern."

For the identification, estimation and calculation of substances and their volumes present in your imported goods, you will go through the same procedure as in the case of the registration duty. You have to make an inventory of your products, and try to spot substances contained in articles that may have to be notified.

To ascertain whether the substance in question represents more than 0.1% in weight may be a complicated task. Not only is this a cumbersome and possibly impossible exercise (again, you may have to make estimations if exact calculations turn out to be unfeasible), it is moreover not entirely clear whether the relevant threshold is 0.1% of the article as a whole or of smaller "homogenous" components of the article. Due to this uncertainty, and the fact that it may take a while before we know more of what applies (this is subject to ongoing discussions between the European Commission and the EU Member States), it is advised to be prepared for that the 0.1% threshold must be calculated on homogenous materials.

Example: You import a chair composed of a plastic seat, a cushion (filament and fabric) and a steel frame. Substance X, which is of very high concern, represents 1% of the filament in weight. But out of the total weight of the chair, Substance X represents a much lower share (below 0.1%).

If the relevant threshold is 0.1% of *the imported product* – the chair – you would not have to notify Substance X. But if you have to calculate 0.1% of *every homogeneous component* (steel frame, plastic seat, filament and fabric), Substance X will cross the threshold and subsequently have to be notified.

Finally, it is not yet decided exactly what chemicals will be regarded as substances of very high concern. The European Commission and the EU Member States will together decide this according to a special procedure which will be initiated only after June 2008. The first version of the list – the so-called candidate list – of chemicals concerned (the list will be drafted in steps) is expected to be published on ECHA's website sometime in late 2008 or early 2009.

What we do know is that the substances concerned will be chemicals that are:

- Carcinogenic (they cause cancer), mutagenic (causes genetic mutations) and toxic to reproduction of "category 1 and 2" (CMR 1&2)
- Persistent, bioaccumulative and toxic substances (PBT)
- Very persistent and very bioaccumulative substances (vPvB)

As soon as a first set of chemicals have been selected, there will be more clarity on precisely which of your imported products will be the most affected. You can already now, however, create a strategy for minimizing or entirely phasing-out these types of chemicals (some retailers have already adopted such an approach outside of the REACH context).

Q; How and when do I notify?

A: You will notify your substances by submitting information to ECHA before June 2011.

In contrast to the pre-registration, there is no such thing as a "pre-notification." The procedure is much more straightforward with *one* group of affected chemicals, *one* set of information needed and *one* deadline.

The information that has to be submitted is the following:

- Your identity and contact information
- The identity of the substance and its use
- Existing registration numbers (for the case that the substance has been registered)
- Information on classification and labelling of the substance

The "advantage" of the notification in comparison to registration is that the deadline for notifying ECHA of your substances is not until June 1, 2011. At this point in time, you must have notified ECHA about all the imported substances that are included in the list of substances of very high concern. As to chemicals that are added to the list at a later stage, you have to notify ECHA 6 months from their inclusion in the list at the latest.

It should be added that the notification duty does not apply if you can prove that there won't be any exposure of the chemical in question to humans or the environment during "normal or reasonably foreseeable conditions of use including disposal." It appears that proving this will in most cases be a difficult task – especially since you have to give guarantees for the time when the product has been disposed of. Besides, if you choose to do this, you must give "appropriate instructions" about the product and its recommended use to the recipient. Complying with the notification duty may therefore come across as the least burdensome option.

4. Information

Q: What is the information duty?

A: Information on certain substances "of very high concern" has to be passed down the supply chain from the importer to the retailer. Ultimately, the retailer has to provide the end-consumer with such information if asked for it.

One of the obligations under REACH that does not only affect importers but also retailers is the information duty. *All retailers* with or without own-brands or own importation are subject here.

For articles containing a certain amount of chemicals "of very high concern," basic information on how to handle the article safely must be passed down the supply chain starting with the importer and ending with the customer in the store.

Importers, wholesalers and other actors in the supply chain not selling the articles to end-consumers must *always* inform the buyers even if they have not been asked for it. Retailers, on the other hand, have to provide the consumers with information *only if has asked for it*. If this is so, retailers have 45 days to give the information from the time of when the question was asked.

The idea is that the necessary information will reach the retailer in the end of the supply chain automatically since the suppliers are under the legal obligation to submit information to their buyers. The retailer would then have the information at hand for each and every product sold when the consumers ask for it.

The liabilities of retailers under the information duty are still a bit unclear. But to be on the safe side, you should assume that if your suppliers fail to pass on the necessary information, you will still be under the obligation to inform your customers. This means that you might have to be more active in obtaining the information. This could be done for example by including provisions in the contract obliging the supplier to inform you if the articles at hand contain any of the chemicals in question.

Q: For what products does the information duty apply?

A: Only to articles (not preparations) containing more than 0.1% in weight of certain chemicals that are regarded to be "of very high concern." Cosmetics are excluded.

First of all, the information duty only applies to articles – not to preparations.

Secondly, the obligation concerns all articles for which the notification duty will apply. That is all articles containing more than 0.1% in weight of a substance of very high concern. In contrast to the notification duty, however, there is no deadline for when the information duty starts to apply. Instead, the obligation becomes active when the first set of chemicals has been inserted in the candidate list and posted on ECHA's website.

Until this list is published, there is no other means than to try to guess what substances will be selected. As already mentioned in the section on the notification duty, they all belong to the group of chemicals that are:

- Carcinogenic (causing cancer), mutagenic (causing genetic mutations) and toxic to reproduction of "category 1 and 2" (CMR 1&2)
- Persistent, bioaccumulative and toxic substances (PBT)
- Very persistent and very bioaccumulative substances (vPvB)

One strategy for compliance would be to contact your national help desk and ask for guidance in identifying these substances. Thereafter, you could either aim at phasing out the chemicals entirely from your product range or at least start collecting information to find out which of your products are "critical." The same strategies apply as in the case of the notification duty.

The problem with the information duty (and the notification duty) is that although it only applies to a limited range of chemicals possibly contained in just a few of your products, you will have to make a chemical inventory of *all* your articles. It may well be the case that when a consumer organization asks you if any of your products contain substances of very high concern, not one single article fulfills the conditions. But at least you have to know this.

Finally, it should be mentioned that some products are specifically excluded from the scope of the information duty. This is for example the case of cosmetic products.

Q: When do I have to comply with the information duty?

A: When the first chemicals have been included on the so-called candidate list.

As already mentioned, the information duty becomes active when the first set of chemicals has been inserted into the candidate list (expected to late 2008 or early 2009). Unfortunately, it is not possible to give further guidelines on exactly when this will happen. The European Commission and the EU Member States have to agree on the selection and this might prove difficult for some substances. It could also turn out to be a pretty formal procedure. At the moment it is also uncertain how many chemicals will be selected in the first set.

As mentioned above, you should prepare yourself by making an inventory of all your products and identify the "critical articles" that you sell. In this process you need to ensure solid information in your supply chains and consult the national help desk in our country.

Q: What kind of information do I have to give?

A: At least the name of the chemical and preferably some advice on how to handle it safely.

Within 45 days after having been asked, you must provide with the kind of information that allows for the safe handling of the chemical at issue. As a minimum, you need to be able to inform the consumer about the name of the substance.

If you have no procedures for providing consumer information, you should establish such. You could choose to create REACH-specific contact points in your company or "feed" your existing customer care service with information necessary to comply with REACH. It appears to be possible as well, to upload information on all the articles for which the information duty applies on your website. A reference to this site when asked for information should be sufficient as long as the necessary information is given within the set time-frame.

It should be highlighted that the right to obtain information *will* be exercised – if not by the individual consumer, for sure by environmental and consumer groups. Friends of the Earth, for example, has instructed their sympathizers to demand information from retailers. In its publications "My Voice," it has even published a sample letter that it encourages consumers to send to retailers to use to exercise their right to obtain information. (For an eye-opener, have a look at the website http://www.foeeurope.org/safer_chemicals/Index.htm and the publications at http://www.foeeurope.org/publications/2007/_My_Voice_Chemical_Reaction.pdf.)

A letter from a consumer could go something like this:

"Dear Sir/Madam,

In accordance with the new EU Regulation on chemicals, REACH, I am writing to ask you to inform me about the presence in your products and their packaging of any chemical from the group of "substances of very high concern." Should any of these substances be present in the products or their packaging, I wish to be informed about the name of the substances and how to handle them to allow safe use.

I would be grateful to receive this information within 45 days as required under REACH.

Kind regards,

NN

cc: European Chemicals Agency"

Preparing for the information duty should therefore not be seen as a theoretic exercise, but as a necessary measure to enable your company to promptly respond to queries from NGOs and avoid bad publicity.

5. CONCLUDING REMARKS

REACH is extensive and complex. Grey zones and uncertainties are therefore expected to remain for some time. Rules will become clearer as REACH is becoming more and more operational. The establishment of ECHA will play an important role.

Until everything becomes clearer, some preliminary guidance must, however, be given. And this is what this compliance guide intends to do. It does not pretend to hold the answers to all your questions. But hopefully you now have an idea of what you will have to do to get your business ready for REACH and where to turn if you have additional and more specific queries.

To sum up, one could say that the greatest challenge of REACH is that it introduces *a very broad set of obligations* for *a broad group of operators* to obtain and share information on the chemical contents of their products. It does not concern one type of chemical (cadmium for example) or one type of product (such as car batteries) but *all* chemicals in *all* sorts of products. *This will require that you develop strategies to obtain information on chemical substances in all your products.*

As a conclusion, some "keys" to comply with REACH would be the following:

- *Inventory check*
  The "inventory check" of your articles and preparations, the chemicals contained therein and the volumes of imports is your first big task. Depending on the products you import, this preparatory phase may be everything from a quick estimation to a time and energy consuming months-long process. It is absolutely necessary, however, that you make an estimation of to what extent REACH will affect your business.

  By taking this preparatory measure, you are at least in good faith no matter if some products would turn out to be wrongly defined at a later stage. You have adopted a *system* for the determination of your products which puts you in a more favorable position legally than if you have done nothing at all.

- *Pre-registration*
  It should be repeated again: don't miss the opportunity to pre-register your products containing chemicals that will have to be registered. Take part in and monitor the developments of the SIEFs relevant to your products. Remember that the procedure in the SIEF aims at providing you with the information you need for a successful registration.

- *REACH-aspects of your supply chain management*
  Make sure that you get the information you need. This is not only important for the registration process. You also need to now whether the toys, shoes or kitchen tools you import contain any carcinogenics, mutagenics or other substances that may become branded as "of very high concern." This will be particularly important to small and medium-sized companies that do not have established channels for supply chain information flows and for companies importing "bits and pieces" from many suppliers.

It is most likely that you will have further questions on the specific products that you import or market. You might also run into all sorts of technical problems as you set up your REACH strategy. When this happens, guidance can be obtained from the following sources:

- *Guidance Documents*
  On ECHA's website at www.echa.eu you will find different guidance documents (under *REACH*, *Guidance* and *Technical Guidance Documents*) that might be useful for you. Some are finalized already, whereas others are under preparation.

  The following documents are particularly important:

  - Guidance on registration (*already available*)
  - Guidance on pre-registration (expected fall 2007)
  - Guidance on requirements for substances in articles (expected fall 2007)

- *National Help Desks*
  First point of inquiry. You find contact information at:

  http://ec.europa.eu/echa/reach/helpdesk/nationalhelp_contact_en.html

  Make sure that you establish good relations with the national help desk in your country. Make them aware of that you are actively working with implementing REACH and use them as a source of information.

- *ECHA Help Desk*
  Once you have submitted info and have further questions you will submit your queries to ECHA's help desk at:

  http://ec.europa.eu/echa/reach/helpdesk/echahelp/enquiry_en.html

- *REACH Navigator*
  Last but not least, the online tool "REACH Navigator" helps you through the process of finding out if your products contain chemicals that have to be registered. It is free of charge and available at this website:

  http://reach.jrc.it/navigator_en.htm.

Annex – Some key provisions in REACH

General provisions

Article 5 – No data, no market

Subject to Articles 6, 7, 21 and 23, substances on their own, in preparations or in articles shall not be manufactured in the Community or placed on the market unless they have been registered in accordance with the relevant provisions of this Title where this is required.

Article 6.1 – Registration/substances in preparations

Save where this Regulation provides otherwise, any manufacturer or importer of a substance, either on its own or in one or more preparation(s), in quantities of 1 tonne or more per year shall submit a registration to the Agency.

Article 7.1 – Registrations/substances in articles

Any producer or importer of articles shall submit a registration to the Agency for any substance contained in those articles, if both the following conditions are met:

a) the substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year;
b) the substance is intended to be released under normal or reasonably foreseeable conditions of use.

Article 7.2 – Notification

Any producer or importer of articles shall notify the Agency, in accordance with paragraph 4 of this Article, if a substance meets the criteria in Article 57 and is identified in accordance with Article 59(1), if both the following conditions are met:

a) the substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year;
b) the substance is present in those articles above a concentration of 0,1 % weight by weight.

Article 7.3 – Exception to the Notification Duty

Paragraph 2 shall not apply where the producer or importer can exclude exposure to humans or the environment during normal or reasonably foreseeable conditions of use including disposal. In such cases, the producer or importer shall supply appropriate instructions to the recipient of the article.

Article 33.1 – Business-to-Business Information Duty

Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.

Article 33.2 – Information Duty vis-à-vis the End-Consumer

On request by a consumer any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the consumer with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.

The relevant information shall be provided, free of charge, within 45 days of receipt of the request.

Definitions

Article 3.1 – Substance

Substance: means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Article 3.2 – Preparation

Preparation: means a mixture or solution composed of two or more substances.

Article 3.3 – Article

Article: means 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.

Article 3.10 – Import

Import: means the physical introduction into the customs territory of the Community.

Article 3.11 – Importer

Importer: means any natural or legal person established within the Community who is responsible for import.

Article 3.12 – Placing on the market

Placing on the market: means supplying or making available, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market.

Article 3.14 – Distributor

Distributor: means any natural or legal person established within the Community, including a retailer, who only stores and places on the market a substance, on its own or in a preparation, for third parties.

Article 3.17 – Actors in the supply chain

Actors in the supply chain: means all manufacturers and/or importers and/or downstream users in a supply chain.

Article 3.32 – Supplier of a substance or a preparation

Supplier of a substance or a preparation: means any manufacturer, importer, downstream user or distributor placing on the market a substance, on its own or in a preparation, or a preparation.

Article 3.33 – Supplier of an article

Supplier of an article: means any producer or importer of an article, distributor or other actor in the supply chain placing an article on the market.

Article 3.34 – Recipient of a substance or a preparation

Recipient of a substance or a preparation: means a downstream user or a distributor being supplied with a substance or a preparation.

Article 3.35 – Recipient of an article

Recipient of an article: means an industrial or professional user, or a distributor, being supplied with an article but does not include consumers.

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The FTA is the association for European commerce providing expertise in international trade issues. It is committed to achieving its goal of a true free trade environment. For 30 years, the FTA has supported its members, consisting of national trade associations and companies from all over Europe, through information and lobbying in the European and international arena.

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