

## New EC-Regulation No.1907/2006 (REACH)

The new EC-Regulation No.1907/2006 (REACH) generates new duties for producers, importers and suppliers.

On 28 October 2008 the EU has released the “Candidate List” of substances of very high concern.

### What is REACH?

REACH is the new Regulation on **R**egistration, **E**valuation, **A**uthorization and **R**estriction of **C**hemicals. It entered into force on 1st June 2007. It streamlines and improves the former legislative framework on chemicals of the European Union (EU). The main aims of REACH are to improve the protection of human health and the environment from the risks that can be posed by chemicals, the promotion of alternative test methods, the free circulation of substances on the internal market and enhancing competitiveness and innovation.

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The REACH Regulation gives greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances.

Manufacturers and importers will be required to gather information on the properties of their chemical substances, which will allow their safe handling, and to register the information in a central database run by the [European Chemicals Agency \(ECHA\)](#) in Helsinki. The Agency will act as the central point in the REACH system:

It will manage the databases necessary to operate the system, co-ordinate the in-depth evaluation of suspicious chemicals and run a public database in which consumers and professionals can find hazard information.

REACH provisions will be phased-in over 11 years. Companies can find explanations of REACH in the [guidance documents](#) and can address themselves to a number of [helpdesks](#).

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The European Chemicals Agency (ECHA) has released on 28 October 2008 the "Candidate List" concerning substances of very high concern (SVHC).

Pursuant to Section 33 of the EC-Regulation, each supplier has the obligation to inform the purchaser of the goods if the product contains a substance of the "candidate list" in a concentration of more than 0,1 mass percentage. This is particularly relevant if the purchaser is a trader as in this case the obligation is expanded to an active supply of information!

For further information please refer to:

[http://ec.europa.eu/echa/home\\_en.html](http://ec.europa.eu/echa/home_en.html)

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### Registration

REACH, the new EU chemicals regulation, requires that chemical **substances** in preparations or articles which are intentionally released from articles have to be registered to the European Chemicals Agency (ECHA).

The obligation to register applies from 1 June 2008.

The chemicals currently on the EU market which meet the definition of **phase-in substances** should be pre-registered between 1 June and 1 December 2008.

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### Pre-registering

Companies who pre-register their substances can benefit from extended registration deadlines. The deadline depends on the tonnage band and the hazardous properties of the substance. The staggered deadlines are: 30 November 2010, 31 May 2013 or 31 May 2018.

Pre-registration is free and simple as it requires only limited data and there is no fee associated to it. A pre-registration file for a substance consists of:

- Substance Identity: EINECS number, CAS numbers and names of the substance
- Envisaged dead line and tonnage band for the registration
- Name and contact information of a Contact person or Third party Representative who will act as the contact point in data sharing

A pre-registrant should also provide when applicable ***substance identification of any relevant substances*** which may facilitate the risk assessment and data sharing of the substance

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### Notification

REACH requires that any chemical substance of the "Candidate List" in concentration of more than 0,1 mass percentage per product and manufactured or imported to the EC in an annual quantity of more than 1 tonne (1,000 kilogram) per company has to be notified to the Chemical Agency until 30 November 2011 or within 6 months after the substance has additionally been put on the candidate list, but not earlier than 1st June 2011.

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### What does this mean for the manufacturer

As a distributor Actebis Peacock does not know which substances are contained in the delivered products.

Only the manufacturer knows and therefore **the manufacturer has to act.**

The manufacturer (i.e. our supplier) needs to:

- Check which products contain substances from the candidate list
- Pre-register / Register / Notify
- Follow the guidelines of the New EC-Regulation No.1907/06 (REACH) for products to be placed into circulation in the European Union
- Feed the ECHA with the required information

Note that this is not a one-time-exercise as the manufacturer has to inform ECHA also in future if necessary under the new REACH regulation.

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### Consequences

Where no information is available, it is prohibited to import and sell the products within the European Community.

Requirements of the manufacturers:

- Confirm that they are aware of all requirements and criteria specified by REACH in the EU
- Represent and warrant that:
  - Their companies will comply with the EC-Regulation No.1907/2006 (REACH)
  - All necessary local registrations have been or will be undertaken in time, that all fees, levies etc. have been or will be paid for REACH in time and that all necessary information is or will be provided to ECHA in time.
- Indemnify Actebis and its subsidiaries from any costs and damages due to any violation of REACH, related claims and that they will reimburse any costs and damages to Actebis.



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### General Questions to Manufacturers:

If you know i.e. assume that (some of) your products are subject to REACH:

Which steps you have already taken with regard to the pre-registration procedure under REACH?

Which steps you will take to register your products at ECHA?

Who the person (name, telephone number, e-mail address) will be within your company who is responsible for REACH compliance for your company and products?

How you will inform and communicate (on your web site, a leaflet in the box of the product etc) ?

Please take this matter VERY SERIOUS as that is the only way to secure the future supply of products within the European Union!