FAQ 5-15-08

FREQUENTLY ASKED QUESTIONS ABOUT REACH

1. What is REACH?

The European Union (EU) regulatory program entitled **R**egistration, **E**valuation, **A**uthorization, and Restriction of **Ch**emicals is referred top as REACH.

2. What chemicals are subject to REACH regulation?

All substances (chemicals) manufactured in or imported into the EU in amounts greater than 1 metric ton per year are subject to REACH. Also chemicals in articles which are designed to be released during use are subject to REACH registration. Substances are subject to REACH registration, **NOT** products, as a product may contain more than one substance, and all of its substances will be required to be REACH pre-registered and registered.

3. As a non-EU company, why should I care?

Even though you might be established in a non-EU country, at least some of your business partners (or your business partners' partners) may be based in the European Union. Therefore, while implementation of REACH may be out of your direct line of sight, you still need to pay attention to the details of this regulation because someone downstream in your sales chain might be affected, which would impact you directly.

4. Who has to register substances?

Only a natural or legal person established within the EU can be a registrant. Registration must take place when this person:

(1) manufactures a substance within the EU,
(2) is responsible for import into the EU or
(3) has been appointed as an only representative (OR) by a non-EU manufacturer or producer according to Article 8 of theREACH Regulation.

The national law of each EU Member State provides the specific provisions concerning natural or legal personality and when such a natural or legal person is established in its territory.

5. What are the obligations of non-EU companies?

Non-Community manufacturers do not have direct obligations under the REACH Regulation. It is the importer established within the Community, who must comply with the REACH obligations. According to Article 3 (9) of the REACH Regulation, a manufacturer means any natural or legal person established within the EU who manufactures a substance within the EU. Non EU companies exporting substances on their own, in preparations or in articles to the EU may (but are not obliged to) appoint an "only representative" according to Article 8 of the REACH Regulation to fulfill the obligations of their importers.

6. Who can appoint an only representative?

According to Article 8 (1) of the REACH Regulation, a legal or natural person that manufactures a substance (to be used on its own, in preparations and/or to produce articles), formulates preparations or, if the substances in their articles are required to be registered, produces articles, outside of the EU can nominate an only representative located within the EU to carry out the required registration of their substances that are imported into the EU. The only representative will have to fulfill the registration obligations of importers (Title II of REACH) and comply with all other obligations of importers under the REACH Regulation.

7. Can Brenntag appoint an OR and register the substances they sell me?

Distributors are not allowed to appoint an OR, see the answer to the previous question.

8 Who can be appointed as an only representative?

A non-EU company may, by mutual agreement, appoint a natural or legal person established in the European Community to act as his only representative. According to Article 8 (2) of the REACH

Regulation this representative shall comply with all obligations of importers under the REACH Regulation. Therefore the only representative is required to have sufficient background in the practical handling of substances and the information related to them.

9. How can I get my substances registered?

Brenntag recommends that companies exporting to the EU appoint an OR or use their importer of record to do the registration. Brenntag REACH coordinators can supply customers with contact information for possible ORs and discuss the advantages of appointing one.

10. If my manufacturer pre-registers a substance I use, does that cover me?

No, your REACH obligations **will not** be automatically satisfied if your supplier pre-registers. Their registration is specific to the substance and tonnage they send into the EU and does not anticipate or include customer exports unless they specifically agree to fulfill a customer's REACH obligations.

11. What are the deadlines for activities under REACH?

Pre-registration of substances begins June 1, 2008 and ends November 30, 2008. After pre-registration, there is a phase in period for submitting registration dossiers. The submission dates are dependant upon tonnage imported into the EU. They are:

(1) Volume greater than 1000 tons per year by November 30, 2010
Carcinogens, Mutagens and Reproductive Toxins greater than 1 ton per year by November 30, 2010
Substances which are very toxic to aquatic organism greater than 100 tons per year by November 30, 2010
(2) Volume greater than 100 tons per year by May 31, 2013
(3) Volume greater than 1 ton per year by May 31, 2018

12. What happens if a substance is not pre-registered?

If a company does not pre-register the substance(s) it exports to the EU, it will be required to stop marketing the substance(s) in the EU on December 1, 2008. A full registration dossier must then be submitted before the company can resume marketing the substance(s) in the EU.

13. What does pre-registration entail?

The pre-registration form requires the name of the substance, the CAS and EINECS numbers, the tonnage exported (imported), the expected registration date and contact information for the individual responsible for registration. There are no EU fees required for pre-registration, and there is no requirement to subsequently register a substance that has been pre-registered.

14. Are there exemptions from registration?

Exemptions from registration include certain naturally occurring substances, pharmaceuticals, and food products. The complete lists of exemptions are detailed in Article 2, Annex IV, and Annex V of the REACH Regulation.

15. Do I have to register polymers?

Polymers do not have to be registered according to Article 2 (9) of the REACH Regulation, but according to Article 6(3), the monomer substance(s) and other substances of the polymers are to be registered if both the following conditions are met: the polymer consists of 2 % weight by weight (w/w) or more of such monomer substance(s) or other substance(s) in the form of monomeric units and chemically bound substance(s) and the total quantity of such monomer substance(s) or other substance(s) makes up 1 ton or more per year.
The total quantity in this context is the total quantity of monomer or other substance ending up in the final polymer either unbound or chemically bound to the polymer.

16. What happens after pre-registration?

After pre-registration, all of the persons who pre-registered the same substance will be placed in contact with each other and will become part of a Substance Information Exchange Forum (SEIF). The purpose of the SEIF is to share data and to prepare a "master" registration dossier which can be

referenced by other registrants. Fees for SEIF administration and remuneration of those who contribute data will be decided by each individual SEIF.

17. What does registration entail?

Registration requires preparation of a registration dossier. The contents of the dossier will be determined by the hazard class of the substance and by the tonnage of the registrant. Some of the requirements are: physical characteristics of the substance, hazard characteristics of the substance, effects upon humans and the environment, uses of the substance, and possibly risk and worker exposure scenarios including recommended risk mitigation measures.

18. Who is responsible for the enforcement of REACH?

In accordance with Articles 125 and 126 of the REACH Regulation, by December 1, 2008, EU Member States are responsible for preparing national provisions defining controls and sanctions for non-compliance with the REACH Regulation. Because enforcement is not expected to be uniform, a company exporting to several different EU countries may have several different requirements for demonstrating compliance. Importers should be consulted for the requirements of the countries where they operate.

19. Where can I get further information?

Guidance documents are available at the web site of the European Chemicals Agency (http://echa.europa.eu/) and information is also available at the web site of the European Chemicals Bureau (http://ecb.jrc.it/).

20. What about information on manufacturers web sites?

Information on manufacturer's web sites may only apply to their EU customers. If you are going to their web sites, you should try to determine whether or not they are dealing with EU customers or non-EU customers. Pre-registration and registration in the EU will not necessarily help non-EU companies.

21. Who do I contact at Brenntag for assistance?

You should contact your sales professional or customer service and ask for the REACH Coordinator.