

1. Introduction

The European REACH Regulation completed the legislative process in Brussels in Dec 2006 and will come into law in all the member states in June 2007. REACH will be a European Regulation enforced directly from Brussels for which there will be no latitude for local interpretation. A European Chemicals Agency will be established to ensure central management of the technical and administrative aspects.

Different Registration deadlines are set depending on tonnage and danger level of substances produced or imported in EU. After the deadline it will be illegal for unregistered suppliers to place chemicals on the market.

2. Description of REACH

2.1 Pre-Registration and Registration

- All Manufacturer/Importer intending to register have to inform the REACH authorities between June and December 2008 ("Pre-Registration"), this will be without charge. After that date it will be illegal for a M/I to place a substance on the market without first having registered.
- In order to preserve continuity of supply, their customers - the Downstream Users "DU"- will be advised to ensure that their key suppliers have pre-registered as required. Lists of Pre-Registrants will then be published, and are intended to help the formation of mandatory "Substance Information Exchange Forum" SIEF's for exchange of data.
- Irrespective of whether a substance has proved a problem in the past REACH requires M/I of substances to demonstrate their products are safe down the complete supply chain. Metals fall within REACH.
- This requires the production of dossiers including full assessment of risks for each identified use including data on exposures and comparisons with stated known safe levels, and measures to manage any risks.
- The prime responsibility for this dossier is with the original producer or importer of the substance. However they will rely on customers and their users to supply information on uses, data on exposure for each use and approval for risk management measures proposed to the authorities.
- Downstream users are not permitted to process substances for uses which have not been identified in the registration dossier or for any use his supplier advises against unless they prepare a Chemical Safety Report.
- Finished articles placed on the market are not subject to Registration, unless hazardous chemicals are emitted to humans or the environment during normal handling and use. But an obligation of notification remains for the M/I of articles containing dangerous substances and the Agency may take on certain conditions decisions requiring M/I of articles to submit a registration.
- Certain chemicals are exempt from REACH either because they are naturally occurring or because they are judged to be adequately controlled by other legislation.

2.2 Evaluation (examination of testing proposals and compliance check)

The Agency will examine testing proposals set out in a Registration Dossier with priority to dangerous substances. It may accept (with possible modifications) or reject the testing proposals. A compliance check of the Dossiers may be carried out in accordance with the regulation requirements as well.

2.3 Authorisation (adequate control and eventual replacement)

A key element of REACH is the legislative treatment of chemicals known to be hazardous. For REACH these must either be prohibited or managed to minimise risks to humans or the environment. For example chemicals which are proven or suspect human carcinogens are liable to Authorisation (Prohibited or restricted use). It is possible that authorisation will only be given for certain uses and for limited time periods, after which the authorities will expect non hazardous substitutes to have been developed.