

## What Needs To Be Registered?

Not all substances will require registration. Food and waste, for example, are specifically exempted. Certain substances which are adequately regulated under other legislation, like medicines, or those which generally present such low risks as not to require registration, such as water, oxygen and certain noble gases, are not affected by the REACH regulation. Radioactive substances are also exempted as they are subject to more specific legislation and controls.

In general, where a chemical substance is a composite of other base chemicals the registration will be dependent on the volume of the base chemicals produced or imported, rather than that of the composite. Thus for complex composites companies may have to register various base chemicals under the new system. In fact, one of the strongest criticisms of this new system is that the rules and exceptions for registration are at times so complex that it is difficult for industry to know with any great certainty whether substances are subject to mandatory registration or not.

## Is It Possible To Reduce Costs?

Assistance is available. In addition to the right to benefit from comprehensive legal advice and support, companies have the possibility to form consortia with other importers or producers of the same substance. This will reduce the costs and burden of fulfilling all registration requirements individually. Caution and care are nevertheless required as the exchange of sensitive information between competitors can leave companies vulnerable to the risk of fines under competition law.

## Our Team Is Here For You

For further information and assistance please do not hesitate to get in touch with your usual Beiten Burkhardt contact person or a member of our REACH Taskforce:

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# REACH

## Registration, Evaluation and Authorisation of Chemicals

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## Beiten Burkhardt's REACH Taskforce Can Help You

### What Is REACH?

If you are a producer or importer of chemicals you will be affected by the European Union's new REACH legislation.

The new system for the **R**egistration, **E**valuation and **A**uthorisation of **C**hemicals will require EU manufacturers of chemicals to register their chemicals on a new central database. Registration is also mandatory for importers from all non-EU countries. With few exceptions, manufacturers and importers will have to register all chemicals which are produced or imported in quantities of more than 1 tonne per annum. Companies will only have 1 year to take the necessary steps to comply with this legislation or risk penalties.

As manufacturers and importers are in the best position to ensure that the chemicals that they place on the EU market do not adversely affect human health or the environment, they play a central role in the new system. Other central elements of this system include the establishment of the new European Chemicals Agency (EChA), which is responsible for the evaluation and authorisation of chemicals, as well as increased access to information on hazards and risks and their management throughout the supply chain. In the future REACH will also lead to the harmonisation of labeling and classification of chemicals sold in the EU, especially dangerous substances.

#### Time is of the Essence

It is imperative that your company takes steps now to prepare itself for meeting the demands of the new legislation, which will take effect as early as June 2007. While there will be a tremendous amount of work involved, starting early and identifying exactly what is required will ease the burden on your company and ensure that no time is wasted on unnecessary tasks.

Our expert team can advise you on all aspects of the REACH legislation and its impact on your business. We can help you to identify what actions to take and when to do so. Should you select Beiten Burkhardt to advise you on the implementation of REACH we guarantee that our high quality team will strive to offer you the best possible advice on this complex matter.

#### Our tailored and comprehensive advice can include:

- An introductory seminar to explain to your company exactly what REACH will entail and cost
- Analysis of which substances your company will be required to register
- Explanation of the differences between, and benefits of, pre-registration and registration of substances
- Preparation of a timeline for immediate and long-term actions to be taken and guidance in its implementation
- Clarification of open issues which directly affect your company, where necessary with officials from the European Commission and the EChA
- Assistance with the formation of consortia to reduce the costs of registration and to minimise competition risks
- Support with pre-registration and registration
- Regular updates on all developments in the REACH legislation and practice by way of further meetings, telephone or email.

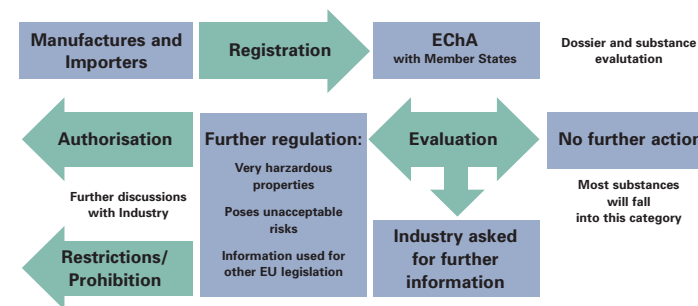
Of course, we would also be on hand to offer assistance and answer any queries you may have at any stage of the process.

### Key Elements Of REACH

The new legislation requires companies to provide the EChA with information on the properties, identified uses and safe management of the chemicals that they produce or import. Companies may choose to pre-register their chemicals within 6 months of the Regulation taking effect; they will then be required to register in accordance with a staggered timeline of up to 10 years, depending on the quantity and hazardous nature of the specific substance. Those companies that fail to pre-register must submit a complete technical dossier almost immediately after the pre-registration period, without benefitting from the extended timeframe.

The dossiers submitted will be evaluated by the EChA, together with the relevant Member State authorities, taking into account the risks for the public, animal testing requirements and the quantities involved. Most substances will require no further action to be taken, however the industry may be asked for further information to clarify any issues or concerns. Further regulation may be necessary where a substance is particularly hazardous, toxic, carcinogenic or bio-accumulative. This may take the form of certain restrictions, and even prohibitions, or the imposition of a mandatory authorisation.

#### The REACH Process



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