

Exporters Duties under the Rotterdam Regulation (EU) No 649/2012 on the Export and Import of hazardous chemicals

Information Sheet

Updated May 2015

For certain hazardous chemicals and articles containing them, the export to countries outside of the EU is prohibited under Regulation (EU) No 649/2012. Strict administrative procedures are in place to ensure their export is legitimate. This information sheet provides exporters with information to help them identify whether they are likely to have duties under Regulation (EU) No 649/2012 and to assist them with the steps involved in meeting their obligations prior to chemical export.

What Chemicals are covered under this Regulation?

Regulation (EU) No 649/2012 applies to hazardous chemicals (industrial chemicals, pesticides and biocides) that are already severely restricted for use or banned within the EU, for example, benzene and chloroform.

If the chemical contains a substance listed in Annex I of Regulation (EU) No 649/2012, exporters of such chemicals to countries outside the EU must notify their intent to export the chemical to the Designated National Authority (DNA) and in certain cases obtain explicit consent from the importing country before the export can proceed.

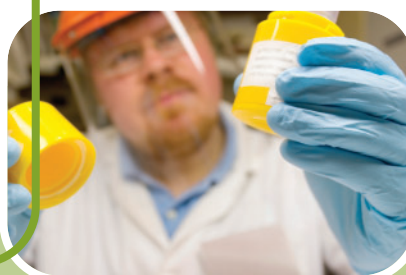
The Health and Safety Authority (HSA) is the DNA for industrial chemicals only under this Regulation.

Annex I has three parts and is regularly updated as a result of on-going regulatory actions under EU legislation, and developments under the Rotterdam Convention. Chemicals listed in the individual parts of the Annex are subject to different procedures.

- **Part 1 chemicals** require an export notification to be submitted using the IT platform [ePIC](#) so the importing country, outside of the EU, can be informed of the pending export.
- **Part 2 chemicals** require export notification along with [Prior Informed Consent \(PIC\)](#) to be requested also using ePIC. Prior Informed Consent means that the importing country outside of the EU must give explicit permission before the export to the country can proceed.
- **Part 3 chemicals** are also subject to export notification and the [Prior Informed Consent \(PIC\)](#) procedure. Prior Informed Consent is required unless an import response has already been received by the EU and published in the latest [PIC Circular](#). [Notification for these chemicals](#) must also be submitted using ePIC.

All chemicals listed in Annex 1 require an active Reference Identification Number (RIN) issued from ePIC before the export from the EU can proceed.

Important Note: All EU exporters and EU importers of hazardous chemicals subject to the Rotterdam Regulation and listed in Annex 1, must notify yearly exports and imports using ePIC, before 31st March of the following year.



What is the procedure for exporting chemicals covered under the Regulation?

Part 1 Chemicals

Where a company is exporting chemicals listed in Annex I Part 1 to Regulation (EU) No 649/2012, they must submit an export notification using [ePIC](#)¹, giving details of the chemical intended for export, the intended use of the chemical including a copy of a REACH Compliant SDS. The legislation requires that the application is completed well in advance of the intended export (at least 35 days).

Once an application is made, the HSA process the notification to the European Chemical Agency (ECHA) who issue the active Reference Identification Number (RIN) that is required to clear customs.

Part 2 and 3 Chemicals

Part 2 and Part 3 chemicals are subject to the Prior Informed Consent (PIC) procedure. This requires the relevant authority of the importing country to have given consent to the import of the chemical prior to its export from the EU.

Exporters of Part 2 and Part 3 chemicals must apply for PIC using ePIC with the same information as for Part 1 chemicals.

As prior consent of the importing country is required before export can proceed it should be noted that this process can take a considerable time to process and complete, therefore export notifications for Part 2 and part 3 chemicals must be submitted well in advance of the export (at least 35 days).

What happens if the importing country does not respond to a Prior Informed Consent request for PART 2 & 3 chemicals?

The Regulation does make provision for exporters to apply for [waivers](#) if no response is received from the importing country.

There are two types of waiver: a "Standard Waiver" & an "OECD Waiver". These waivers eliminate the requirement for prior consent before the export can proceed.

Standard Waiver - An exporter can propose a standard waiver under Article 14(7) for an Annex I Part 2 or 3 substance/ mixture, if the importing country has not responded within 60 days of requesting explicit consent.

OECD Waiver - An exporter can propose an OECD waiver under Article 14(6) for an Annex I Part 2 substance/ mixture destined for an OECD country, at any time after requesting an explicit consent.

Exporters Duties under the Rotterdam Regulation (EU) No 649/2012 on the Export and Import of hazardous chemicals upon receipt of an active RIN.

Once the exporter has received an active Reference Identification Number (RIN), the export may proceed and the exporter should ensure;

- ✓ The chemical is packaged and labelled in accordance with the Classification Labelling and Packaging Regulation No 1272/2008
- ✓ The label includes the expiry and production dates of the chemical
- ✓ The chemical has a REACH compliant SDS in the language of importing country
- ✓ The allocated active RIN is included in Box 44 of the SAD (Single Administration Document) or the equivalent section of any electronic format



¹ ePIC is the IT tool established and maintained by the European Chemicals Agency (ECHA)

Special cases for the export of chemicals used for Research and Analysis (Special RIN's)

Where the exporter of a chemical listed in Annex 1 can confirm that the intended use of the chemical is research or analysis and the quantity of the chemical being exported is less than 10kg per country per year, the export will not fall within the scope of Rotterdam Regulation (EU) No 649/2012. However, in order for the chemical export to be able to proceed through customs a "Special RIN" still must be obtained and included in Box 44 of the SAD. A Special RIN must be obtained by making an application through the ePIC system.

Exemptions

There are a number of exemptions from the Rotterdam Regulation (EU) No 649/2012 for listed chemicals, used and tightly controlled by parallel legislation including;

- Narcotic drugs and psychotropic substances covered under Regulation (EC) No 111/2005
- Radioactive substances controlled under Directive 92/29/Euratom 1996
- Waste and Hazardous waste covered by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste
- Chemical weapons covered by Council Regulation (EC) No 428/2009 of 5 May 2009
- Food and food additives and feedingstuffs covered under Regulation (EC) No 882/2004 and Regulation (EC) No 178/2002
- Genetically Modified Organisms under Directive 2001/18/EC
- Medicinal and veterinary products covered under Directives 2001/83/EC and 2001/82/EC
- Chemicals used for research or analysis exported in less than 10kgs per country per year. The Special RIN procedure applies

Importers Duties under the Rotterdam Regulation (EU) No 649/2012

Under Regulation (EU) No 649/2012, the administrative functions for the import of chemicals listed in the regulation are carried out by the EU Commission on behalf of the EU Member States. The EU import decision is communicated to the Secretariat of the Rotterdam Convention and exporting Parties are requested to respect this decision. The decision on whether a chemical is allowed to be imported, used or placed on the market in the EU territory is governed by parallel legislation such as the REACH Regulation. Therefore, as a consequence the PIC Regulation does not include any detailed provisions as regards restriction or prohibition at importation into the EU except that imports of chemicals listed in Annex 1 must be notified yearly by EU importers (before 31st March) via the IT platform ePIC.

Annual Notification Requirements of PIC Chemicals

In accordance with Article 10 of Rotterdam Regulation (EU) No 649/2012, during the first quarter of every year companies must report the actual quantities of chemicals subject to Regulation (EU) No 649/2012 that have been exported and imported during the previous calendar year.

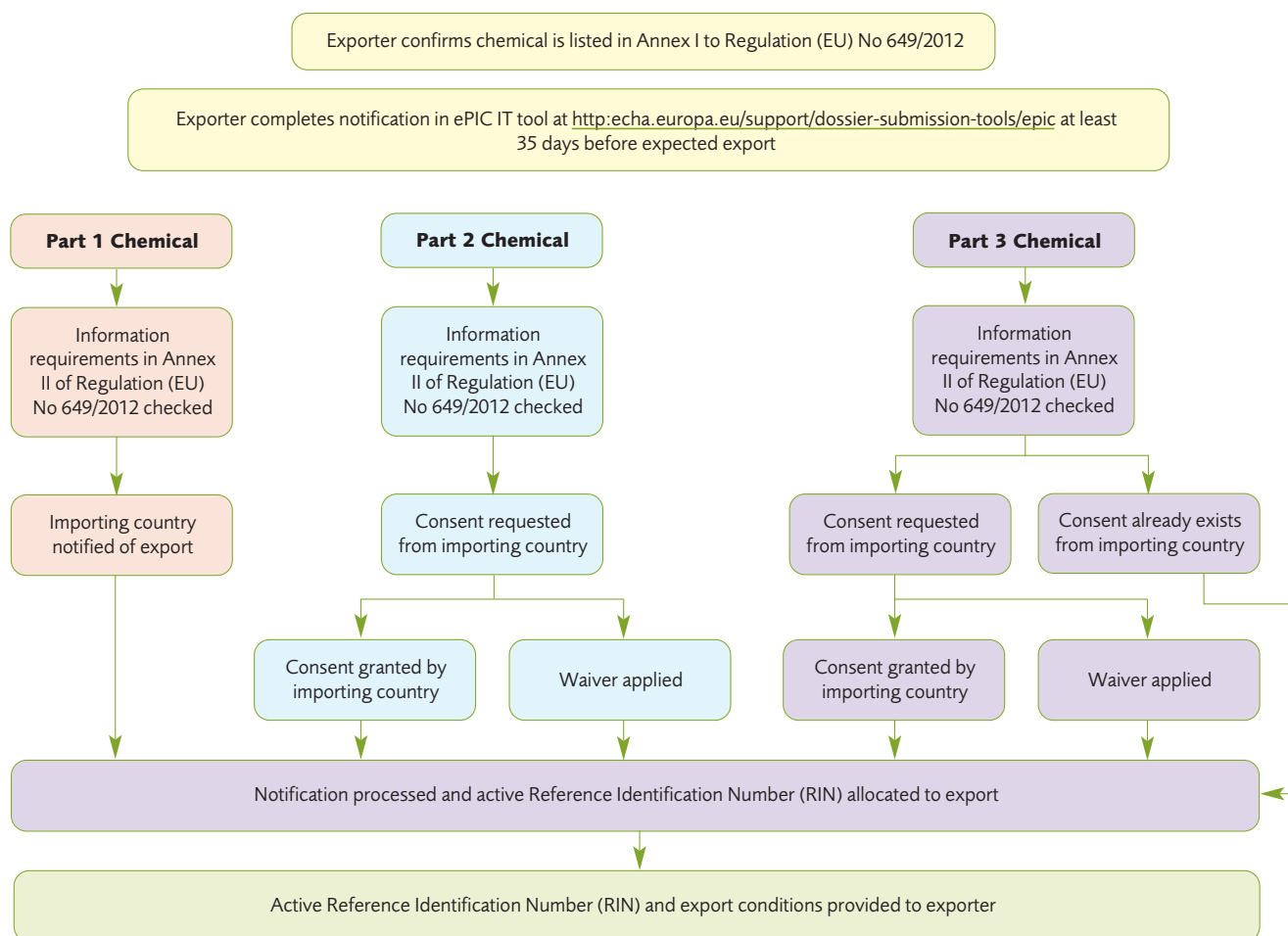
They must also provide details of the companies in the non-EU countries with which they traded these chemicals with. The details on the information requirements to be reported are available in Annex III of Regulation (EU) No 649/2012

ANNEX III: Information to be supplied by EU importers and EU exporters in accordance with Article 10

1. Summary of quantities of Annex I substances, the amount of substance in mixtures and the amount of substance in articles) exported and imported during the previous year.
 - a) Indicating the year in which the export or import took place.
 - b) Table summarising quantities.
2. Names and addresses of importers



Figure 1: The following schematic outlines the steps involved for Chemicals subject to Regulation No. 649/2012.



The exporter must submit an export notification via ePIC at least 35 days before the proposed export

Further Information

- ECHA's Guidance for Regulation (EU) No 649/2012 on the export and import of hazardous chemicals at http://echa.europa.eu/documents/10162/21784135/guidance_pic_en.pdf
- The ePIC submission tool at <http://echa.europa.eu/support/dossier-submission-tools/epic>
- Chemical Search Facility at <http://echa.europa.eu/information-on-chemicals>
- ePIC User Manual for Industry http://echa.europa.eu/documents/10162/21731237/epic_usm_industry_en.pdf
- ECHA's Waiver Information Sheet at http://echa.europa.eu/documents/10162/21728205/pic_waivers_information_sheet_en.pdf
- ECHA ePIC Webinar for industry http://echa.europa.eu/web/guest/view-article/-/journal_content/title/epic-industry-webinar
- Chemical Helpdesk on 1890 289 389 or email chemicals@hsa.ie
The European Commission website; http://ec.europa.eu/environment/chemicals/pic/objectives_regulation.htm
- The Chemicals Agency (ECHA) website: <http://echa.europa.eu>
- ECHA Helpdesk at <http://echa.europa.eu/contact/helpdesk-contact-form>
- HSA Chemical Importers Information sheet http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Chemical_Importers_Information_Sheet.html
- HSA Hazard Labelling and packaging according to CLP information sheet http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Hazard_Labelling_Packaging_according_to_the_CLP_Regulation_-_Information_Sheet.html
- HSA Safety Data Sheet Information sheet http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Safety_Data_Sheet_SDS_Information_Sheet.25430.shortcut.html