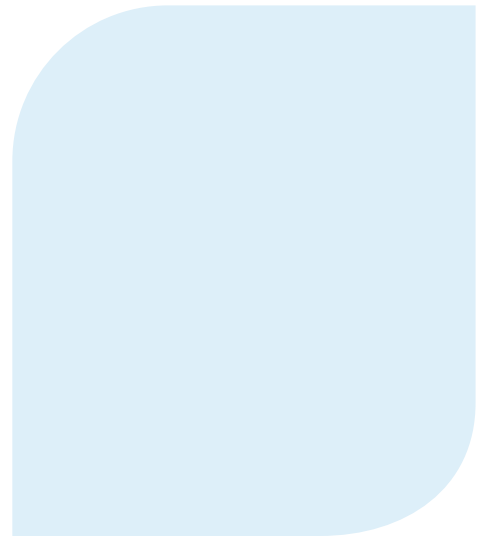


Chemical Importers

Information
Sheet



Under EU Chemical Regulations, companies who import chemical products from outside the EU have several obligations to fulfil before they can access the EU market. The key responsibilities of EU importers of substances, mixtures and/or articles under the REACH, CLP and Prior Informed Consent (PIC) Regulations, for which the Health and Safety Authority is the relevant Competent Authority in Ireland, are outlined here.

In accordance with the REACH and CLP Regulations, an importer is defined as any natural or legal person established in the EU who is responsible for import, with import meaning the physical introduction into the customs territory of the EU. The responsibility for import depends on many factors such as who orders, who pays, and who deals with the customs formalities or the “INCOTERMS” chosen, but these might not be conclusive on their own and companies may need to carefully determine who the EU importer is in the supply chain. Companies who source chemical products (substances, mixtures or articles) from outside the EU and EEA (including the UK) are importers and are responsible for ensuring compliance with the REACH and CLP Regulations.

Under the PIC Regulation, the importer is the EU-based consignee of a chemical listed in Annex I of EU No. 649/2012, imported from outside the EU customs territory.



Importing mixtures

Under REACH importers of mixtures are required to register each substance within the mixture if the substance is imported in quantities at or above one tonne per year. Companies must check if they import the same substance in several different mixtures, as the tonnage is cumulative across the mixtures. A sample inventory is available [here](#).

*As the UK is no longer part of the customs territory of the EU or EEA, companies importing chemicals from England, Scotland or Wales are considered EU importers.

Importer duties under the REACH Regulation

- ✓ Register relevant substances on their own, in a mixture or in an article with an intended release that are imported into the EU at or above one tonne per year, with the European Chemicals Agency (ECHA).
- ✓ Take responsibility for preparing, submitting and maintaining the registration dossier.
- ✓ Submit an inquiry to ECHA prior to registration to determine if other companies have registered the same substance, to facilitate data sharing.
- ✓ Contact their non-EU supplier to determine if an Only Representative (OR) has been appointed and if their tonnage is covered by the OR's registration. Non-EU manufacturers cannot register substances, but they can appoint an OR to represent them in the EU. The OR completes the registrations on behalf of the EU importer(s), thus removing that obligation from the EU importer (who then becomes a downstream user).
- ✓ Do not place a substance that is subject to authorisation and listed in Annex XIV of REACH on the EU market for a use or use it themselves, unless they, or their immediate downstream user, have been granted an authorisation for that use by the EU Commission. Authorisation is required regardless of tonnage.
- ✓ Do not import a chemical substance that is restricted and listed in Annex XVII of REACH, unless it is for a use that is permitted in accordance with specific conditions identified in Annex XVII. Restrictions also apply to some articles.
- ✓ If importing articles, have information on the substances contained in the articles, especially if there are substances intended to be released during the use of the article, as there may be registration obligations for that substance.
- ✓ If importing articles that contain substances of very high concern (SVHCs) above a certain concentration, provide sufficient information to their customers to allow safe use of the product. Notify ECHA in specific cases.
- ✓ Supply safety data sheets (SDSs), prepared in accordance with the requirements of REACH Annex II, for all hazardous substances and mixtures placed on the EU market.

Remember!

Importers should regularly monitor ECHA's candidate list and the REACH authorisation (Annex XIV) and restriction (Annex XVII) lists regarding the substances they import.

Re-imported substances



Substances registered in the EU, exported from the EU and then re-imported to the EU in the same supply chain may be exempt from registration if the following conditions are met:

- The substance was registered before it was exported from the EU.
- The substance being re-imported is the same as the exported substance (i.e. no chemical modification).
- The re-importer is provided with the information relating to the exported substance.





Importer duties under the CLP Regulation

- ✔ Ensure that all hazardous substances and mixtures imported are correctly classified, labelled and packaged in accordance with the CLP Regulation.
- ✔ Ensure that substances and mixtures intended to be sold to the public, which have certain hazard classifications, have a child-resistant fastening or tactile warning of danger.
- ✔ Notify the classification and labelling information to ECHA within one month of the first import for hazardous substances imported either on their own or in a mixture, irrespective of tonnage imported. This duty to notify does not apply if the information has already been provided as part of a REACH registration.
- ✔ Notify certain information to the National Poisons Information Centre (NPIC) via the ECHA harmonised submission portal for imported mixtures placed on the Irish market that are classified as hazardous for human health or physical effects.
- ✔ Notify the NPIC directly regarding the use of their emergency number in Section 1.4 of the SDS, as relevant.
- ✔ List the CLP hazard statements in the text of the online advertisement or include a readable image on the hazard label for hazardous substances or mixtures sold online to the public.

Importer duties under the PIC Regulation

- ✔ Do not import any chemical listed in the Annexes to the PIC Regulation, unless it is in accordance with specific conditions identified in EU legislation e.g. REACH and CLP.
- ✔ Notify yearly imports of chemicals listed in the Annexes to the Regulation before 31st March the following year using ECHA's ePIC IT tool.



Remember!

Importers must ensure compliance with REACH and CLP for the substance(s) or mixture(s) imported for their own use and for those substance(s) and mixture(s) imported for further onward supply.

Further information:

Visit: www.hsa.ie/chemicals or www.echa.europa.eu

Email queries to chemicals@hsa.ie

Contact our HelpDesk:

Email: contactus@hsa.ie

Phone: 0818 289 389



HSA

An tÚdarás Sláinte agus Sábháilteachta
Health and Safety Authority