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## Amfep guidance on re-import under REACH and CLP

### 1. Re-import and REACH

If substances which are originally manufactured in EU are exported out of EU and then later re-imported into EU, REACH Article 2 (7), c) (i), exempts such substances from registration under REACH by the (re-)importer, provided that

- the re-imported substance has been registered before it was exported from the EU;
- the substance registered and exported must be the same as the substance re-imported;
- the re-importer is in the same supply chain as the EU manufacturer (same batches of substance)
- the re-importer must be able to document that he has been provided with the information about the exported substance in accordance with Articles 31 or 32

It has been heavily debated whether this re-import rule applies also to pre-registered substances or to fully registered substances only.

ECHA and EU member states support the interpretation that full registration is required in order for the re-import exemption rule to apply. This means that pre-registration is still required by importers regardless of the fact the substance is pre-registered by the original EU manufacturer and is re-imported within the same supply chain. Therefore during the pre-registration phase, all importers or OR's representing exporters should plan to pre-register until the substance(s) are fully registered.

REACH does not stipulate any obligation for the EU manufacturer to provide the non-EU customer with information under Article 31 or 32 in order to enable re-import into EU. It remains the obligation of the EU importer to fulfill REACH obligations.

## 2. Re-import and CLP notification

According to ECHA's Introductory Guidance on CLP Regulation, p. 76, you will have to submit CLP notification if you are a manufacturer or importer and your substance is:

- subject to registration under REACH ( $\geq 1$  tonne/year) and placed on the market (*CLP Article 39(a)*).
- classified as hazardous under CLP and is placed on the market, irrespective of the tonnage (*CLP Article 39(b)*); or
- classified as hazardous under CLP and is present in a mixture above the concentration limits specified in Annex I of CLP or as specified in Directive 1999/45/EC, which results in the classification of the mixture as hazardous, and the mixture is placed on the market (*CLP Article 39(b)*).

Re-imported substance(s) are exempt from CLP notification, cf. ECHA's Frequently Asked Questions about CLP v2.0, 2011p. 3-4) to the extent they are exempted from registration under the REACH re-import exemption rule, cf. previous page.

When any of the conditions mentioned above is not fulfilled, the re-importer is considered an importer. This means that he has the obligation to classify these substances or mixtures and to notify relevant substance information to the C&L Inventory.

### LEGAL NOTICE:

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