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C&L notification – the first step towards CLP compliance

CLP stands for the Regulation (EC) No 1272/2008 on the **C**lassification, **L**abeling and **P**ackaging of substances and mixtures. CLP introduces the United Nations globally harmonized system (UN GHS) for classification and labeling of chemicals into Europe. CLP entered into force on 20th January 2009.

According to CLP, EU manufacturers and importers (or groups of manufacturers or importers) who place a hazardous substance on the market, shall notify certain information, in particular the substance identity and the classification and labeling of that substance to ECHA (C&L notification) before 3 Jan 2010.

Non-EU companies and REACH only representatives are *not entitled to submit C&L notifications*. Our recommendation to EU importers is that they shall submit their own C&L notifications as the first choice. However, non-EU manufacturers shall supply detailed composition information about their product.

If importers wish to avoid C&L notifications, they may request their non-EU suppliers to do the job in which case non-EU companies may submit C&L notifications in the name of the EU importers or appoint one of the importers to notify on behalf of the other importers (notification as a group). Such an importer could also be an Only Representative (OR) if the OR can be considered as an importer (after Non-EU manufacture supplying him with a sample of the respective substances or mixtures). However, making an OR an importer is not feasible in most instances. Click [here](#) for more information about CLP compliance.

Get your goods certified and be prepared for REACH enforcement

OECD has summarized typical REACH offences [\[pdf\]](#) and penalties [\[pdf\]](#) of EU member states. To avoid penalties, EU importers are recommended to get the imported goods certified based on Keller and Heckman LLP's suggestion.

"There are many practical questions associated with documenting compliance at the point of entry of goods into the Customs territory of the European Union (EU), particularly with respect to valid pre-registrations, whether the substances are exempt or not from registration, whether the pre-registration obligation was taken over by the importer, the only representative of the exporter, or the only representative of the exporter's supplier and whether the quantities imported have exceeded the tonnage band registered.

The U.S. has in place a simple and effective system for ensuring compliance of imported goods. Under Section 13 of the Toxic Substances Control Act (TSCA), the importer must certify at the point of entry that the goods either are not subject to TSCA, or are subject to TSCA and in compliance. The certification mechanism serves to ensure that importers carefully review the legal status of the goods they order from overseas suppliers. A similar

certification mechanism would be useful if implemented in the EU. Requiring importers to certify will ensure that importers take their responsibilities seriously even if the registration obligation is being carried by the only representative of the foreign supplier. Importer responsibility is fully consistent with Article 5 of REACH and makes a great deal of sense.”

CIRS has adapted its REACH certificate according to HSA’s suggestion [[sample](#),498kB]. The certificate is issued for free as CIRS’s way to record customers sold to and quantities imported. All certificates will be stored in a reliable and secure REACH Compliance User Management System.

→ [Application Form](#)[[doc](#), 37KB]

CIRS’s OR working report published

CIRS presented its first OR working report at the request of Irish Health and Safety Authority (HSA) – the REACH enforcement body in Ireland in July. The full article can be found here [[pdf](#), 580KB]

Since the Dutch Environment Ministry (VROM) EU found out many bogus ORs or mailbox ORs in March, the OR inspection has become an integral part of REACH enforcement. EU importers are advised to double check the credentials of ORs with the non-EEA manufacturers that hired them. If they are found to be illegitimate, then importers will need to request their suppliers to change OR or find another legitimate supplier or prepare to register the substances themselves.



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