

## Unavoidable Necessity

Preregistration of substances is very important for companies that manufacture and import chemicals in Europe. Reach requires that chemical substances on their own, in preparations, and those which are intentionally released from articles, have to be registered with ECHA.

Registration applies to substances manufactured in the EU or imported into the EU in annual quantities of one tonne or more per company/legal entity. Registration begins with preregistration, which enables companies to benefit from extended registration deadlines. Preregistration must be carried out electronically using the ECHA's REACH-IT portal.

Preregistration and registration cover phase-in substances that are listed in the European Inventory of Existing Commercial Chemical Substances (EINECS), substances that have been manufactured in the EU but not marketed in the EU after June 1, 1992, and substances referred to as 'no-longer polymers' (NLPs).

It is important to note that phase-in substances can exist as components in cosmetic products, cleaning materials, alloys, plastic granulate, and in containers and carrier materials such as ink in printer cartridges and pens, paint in spray cans, and gunpowder in fireworks. Pine tar must also be registered, if one tonne or more is produced annually per legal entity.

Preregistration guarantees a gradual transition to the Reach system and requires only very limited data; it is also free of charge and does not carry any obligation to maintain production or importing operations.

A company that has preregistered a substance will be a part of a Substance Information Exchange Forum (SIEF) until June 1, 2018 and may be called upon to participate in SIEF activities.

If a company does not want to register a preregistered substance, it can deactivate its preregistration prior to the establishment of SIEF and still take advantage of the benefits of preregistration.

### The clock is ticking

Preregistration began on June 1 this year, and will end at midnight on December 1 this year.

A company that is manufacturing or importing phase-in substances for the first time after December 1, 2008 will still be possible to benefit from extended registration deadlines, however.

Substance can be preregistered six months after manufacturing or importing exceeds the one-tonne threshold and at least 12 months before the relevant deadline for registration. Manufacturing or importing for the first time refers to the first time after June 1, 2007.

## Implementing Reach

# Kick-starting Preregistration

■ Preregistration of chemical substances under the Reach framework has begun as planned, and data is being submitted to the European Chemicals Agency at an accelerating rate. Companies appear to be having problems with the complicated nature of Reach guidelines, however.

Juha Pyötsiä

Early reports from the European Chemicals Agency (ECHA) indicate that companies have actively started using the REACH-IT portal to sign up for and submit preregistrations.

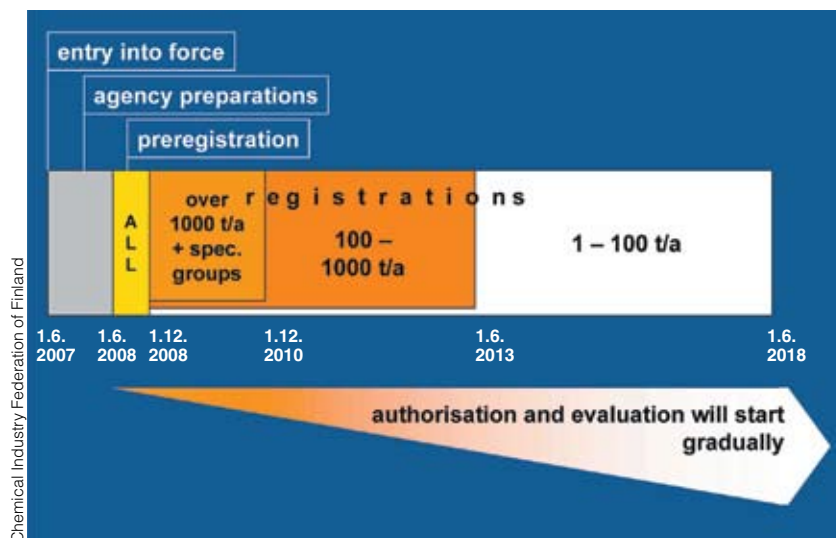
A total of 1,850 legal entities from 28 countries in the EU and the European Economic Area (EEA) had signed up within a little over two weeks from the start of preregistration, generating close to 10,000 preregistrations. Most of the legal entities concerned were from Germany (29%) and Britain (15%), while Finland accounted for 39 sign-ups.

The average size at the moment is two participants per preregistered Reach substance, 93% of which were from the EINECS inventory.

### More difficult than expected

Preregistration has proved not quite as simple as planned. A company must first register itself with the REACH-IT system to acquire a UUID or Universally Unique Identifier. Third-party representatives also require their own UUID. UUIDs are essential before

### Timetable of Reach



The requirements of the Reach regulations are phased over a number of years, beginning with preregistration.



Päivi Ikonen

**Preregistration has got off to a flying start, but some companies are struggling to keep up with the complication of Reach guidelines.**

preregistration can take place.

An ECHA review of the first data submissions to be made has shown substance identity information in particular has not always followed ECHA guidelines. UUID codes have also been problematic; companies must use the same UUID code in all their Reach-related communications.

Some Finnish companies have been concerned about data protection and the potential misuse of the REACH-IT system, as they have noticed the presence of false company names, even as facilitators, when supplying information to the REACH-IT system. If ECHA were to check preregistrations before the preregistration period ends, this problem could be eliminated.

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## Recovered Substances Are a Grey Area

Recovered substances can create problems for companies under the Reach system. The Commission has stated that, if a recovery process takes place in several steps, only the last step will be considered as resulting in a recovered material. All recovery steps that do not result in a non-waste material are part of waste treatment. Recovered substances should be understood, therefore, as substances that were once waste and are no longer waste.

Another important question is whether recovery is a manufacturing process. Article 3(8) defines manufacturing as “production or extraction of substances in the natural state”. Substances that have undergone chemical modification during recovery—such as slag, methane generated during ‘feedstock recycling’, biogas, and compost—meet this definition. Many recovery processes, such as sorting, crushing, and remelting do not modify the chemical composition of substances, however.

### Recycling set to become more difficult

All recovered substances are subject

to Reach registration requirements in principle. However Article 2(7) (d) provides an exemption if a registered substance that is recovered is the same as one that has been registered and if the information required by Articles 31 and 32 (on SDS or other information for non-hazardous substances) is available to the recovery company.

According to the Technical Guidance Document on Registration, this means that recovered substances have to be registered. If a substance has not been registered at the manufacturing or importing stage, a recovered substance must be registered following recovery before it can be marketed.

In practice, this means that recycling facilities are being urged to preregister their substances to ensure that they can continue to operate until the ‘original’ substances are registered. In reality, many companies producing non-waste substances from waste will have to review their Reach position.

If their manufactured substances come within the scope of registration, they will have to go through a very demanding registration process—making recycling much more difficult than before.