

## **REACH: 31 May 2018 Mandatory registration of pre-registered chemicals**

REACH addresses provisions to all operators in the supply chain (manufacturers, importers, downstream users, distributors) and applies both to chemicals of well-defined composition and to chemicals of unknown or variable composition.

This Regulation lays down several obligations, including a procedure for the registration with the European Chemicals Agency (ECHA) of chemical substances manufactured in or imported into the EU in quantities of 1 ton or more per year.

Mandatory registration of substances above this threshold has been mandatory since 31 May 2017.

However, for substances that had been pre-registered, this deadline had been extended by one year by way of derogation. At the end of the Regulation itself, certain chemical substances could be pre-registered, thus benefiting from a staggered registration schedule. The benefit of such derogation is no longer possible today.

Thus, since 31 May 2018, all chemicals manufactured in or imported into the EU in quantities of 1 ton or more per year have to be registered. This constitutes an obligation in view of their access to the European market.

Failure to register results in an infringement that can be sanctioned by various authorities including customs services (articles L.521-1 to L.521-24 of the Environmental Code provide for administrative and criminal sanctions and apply in case of non-compliance with REACH regulations). In addition, any production or import activity undertaken by a REACH infringing operator must cease, unless the quantity produced or imported is less than one ton per year for three consecutive years.

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**DS Avocats' Customs & Trade team is at your disposal to provide you with additional information.**

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