

Commission communication on the enquiry and registration under Regulation (EC) No 1907/2006 (REACH) of substances that were lawfully on the market before 1 June 2008 but which do not have phase-in status

(Text with EEA relevance)

(2008/C 317/02)

Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) requires that substances that do not fall under the definition of 'phase-in substance' that are manufactured or imported into the Community, on their own, in preparations or in articles, in quantities of one tonne or more per year are registered as from 1 June 2008 in accordance with Article 10 of the REACH Regulation.

Prior to the registration of non phase-in substances, an enquiry to the European Chemicals Agency — as foreseen under Article 26 of the REACH Regulation — is required. It is noted that the provisions of the REACH Regulation governing the enquiry process entered into force on 1 June 2008. It follows that it was impossible in practice for a non phase-in substance to be registered on 1 June 2008. In addition, it is also noted that the regulation containing the test methods for use under REACH, in accordance with Article 13(3) of Regulation (EC) No 1907/2006, was only adopted on 30 May 2008.

Some substances that have been lawfully manufactured and/or placed on the market before 1 June 2008 may not qualify as 'phase-in substances' under Article 3(20) of the REACH Regulation. To avoid disruptions of trade and manufacturing activities regarding such substances, and provided that it is demonstrated that the substance was legally on the Community market before 1 June 2008, potential registrants are reminded of the obligation to submit an enquiry to the European Chemicals Agency. For any specific information item missing, the registrant will provide a justification. The missing information will be submitted without undue delay.
