

Chemical Importers

Information Sheet

February 2021

Under EU Chemical Regulations, those who import chemicals from outside the EU have a number of duties to fulfil. This information sheet aims to outline the key responsibilities for EU importers of chemical substances and mixtures under the REACH, CLP and Prior Informed Consent (PIC) Regulations, for which the Health & Safety Authority are the relevant Competent Authority in Ireland.

Who is legally responsible for the importation of chemical substances and mixtures into the EU?

An importer in accordance with the REACH and CLP Regulations, is defined as *any natural or legal person established in the EU who is responsible for import, or the physical introduction (of chemicals) into the customs territory of the EU*. Companies who source their chemicals from outside the EU (incl. EEA¹) are considered as importers under the REACH and CLP Regulations, and as such have significant duties to fulfil. Companies sourcing chemicals from within the EU (incl. EEA) are not considered importers in accordance with these Regulations, but may be 'distributors' or 'downstream users'.

Since 1st January 2021, the United Kingdom is no longer part of the customs territory of the EU or EEA. However, in respect of the Northern Ireland Protocol², Northern Ireland continues to remain part of the EU customs territory for a transition period of four years i.e. until 1st January 2025. This means that companies importing chemicals from Great Britain (England, Scotland and Wales) are now considered EU importers, whereas companies importing chemicals from Northern Ireland will remain distributors or downstream users during the transition period.



¹ The EEA or European Economic Area includes EU Member States, Iceland, Liechtenstein and Norway.

² The information provided is as per the EU Commission's readiness notices (https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/future-partnership/getting-ready-end-transition-period_en) and correct at the time of publication

THE REACH REGULATION (EC) NO. 1907/2006



Importer duties under REACH

- ☑ Importers are responsible for submitting a REACH registration to the European Chemical Agency (ECHA) for each substance, whether on its own or in a mixture, or incorporated into an article with intended release, imported into the EU in quantities equal to or greater than 1 tonne per year.
- ☑ Importers, prior to registration, must make an inquiry to ECHA to establish whether another company has already registered the same substance. This is in order to facilitate the sharing of test data.
- ☑ Non-EU manufacturer(s) cannot register substances but they can appoint an Only Representative (OR) to represent them in the EU. The OR completes the registrations on behalf of the EU importer(s), thus removing that duty from the EU importer. Importers that were previously reliant on a registration by an OR based in Great Britain are advised that it is no longer valid unless transferred to an EU-based OR. Importers concerned about their registration obligations should contact their non-EU supplier.
- ☑ Importers must supply safety data sheets (SDSs), which should be prepared in accordance with the requirements of REACH Annex II, for all hazardous chemicals placed on the EU market.
- ☑ Importers of hazardous mixtures must notify the Irish National Poison Centre regarding the use of their emergency number in Section 1.4 of the SDSs, where appropriate.
- ☑ An importer cannot import a chemical substance that is listed in Annex XIV of REACH (past the sunset date) for a use or use it himself, unless the use has been granted an authorisation by the EU Commission.
- ☑ An importer cannot import a chemical substance that is listed in Annex XVII of REACH, unless it is for a use that is permitted in accordance with specific conditions identified in Annex XVII.
- ☑ These REACH requirements also apply to importers who imports substance(s) or mixture(s) for their own use only, without further onward supply.

THE CLASSIFICATION, LABELLING AND PACKAGING (CLP) REGULATION (EC) NO. 1272/2008



Importer duties to classify, label and package chemical substances and mixtures

- ☑ Importers must classify, label and package all hazardous substances and mixtures in accordance with the CLP Regulation.
- ☑ Importers, who place hazardous substances on the market either on their own or in a mixture, irrespective of tonnage imported, must notify the classification and labelling information to ECHA within one month of first import.
This duty to notify does not apply if the information has already been provided as part of a REACH registration.
- ☑ Importers of hazardous mixtures must notify certain information to the National Poisons Information Centre (NPIC) if they place mixtures classified as hazardous for health or physical effects on the Irish market.
Notifications for consumer and professional products are submitted via the ECHA Poison Centre Notification portal (PCN). Notifications for industrial products may be submitted using the portal and will also be accepted at the National Poison Information Centre at Beaumont Hospital until the end of 2023.
- ☑ These CLP requirements also apply to importers who import substance(s) or mixture(s) for their own use only, without further onward supply.



THE PRIOR INFORMED CONSENT (PIC) REGULATION (EC) NO. 649/2012



Under the PIC Regulation an importer is defined differently than an importer under REACH & CLP. The importer is the EU-based consignee of a chemical listed in Annex I of EU No. 649/2012, imported from outside the EU customs territory.

Importer duties under the PIC Regulation



- ☑ An importer may not import any chemical listed in the Annexes to the PIC Regulation unless it is in accordance with specific conditions identified in EU Legislation e.g. REACH and CLP.
- ☑ Importers must notify yearly imports of chemicals listed in the Annexes to the Regulation before 31 March the following year using ECHAs ePIC IT tool.



Further Information

- HSA Hazard Labelling & Packaging according to the CLP Regulation Information Sheet;
http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Hazard_Labelling_Packaging_according_to_the_CLP_Regulation_-_Information_Sheet.html
- HSA Export and Import of Chemicals Information Sheet;
www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/import_export_info_sheet.pdf
- European Chemicals Agency website;
<https://echa.europa.eu/importer-communication-supply-chain-who>
- ECHA Poison Centre Notification Portal;
<https://poisoncentres.echa.europa.eu/echa-submission-portal>
- HSA's Chemicals Helpdesk;
email chemicals@hsa.ie or call 1890 289 389
- HSA's website; www.hsa.ie/chemicals
- HSA Safety Data Information Sheet;
www.hsa.ie/eng/Publications_and_Forms/Publications/Information_Sheets/SDS_hazchem_info_sheet.pdf
- Irish National Poison centre; www.poisons.ie (01) 797 4214



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