



## REACH enforcement: ECHA takes legal action over chemical intermediates

Legal action has been taken by the European Chemicals Agency (ECHA) against 46 company registrants who may have incorrectly registered their substances as intermediates under REACH regulations. ECHA has sent legally binding letters to each of these companies, giving them one month to update their registration and correct the inconsistencies found in their dossiers regarding intermediate chemical substances. ECHA has warned that a failure to act will result in the engagement of national enforcement authorities in the relevant Member States to discuss actions that may be taken to enforce compliance.

REACH permits certain chemical substances to be registered as intermediates. The benefits include reduced information on properties and no requirement for a chemical safety report, provided the substances are manufactured and used under strictly controlled conditions. Registration as an intermediate requires less information on the hazards and dangers associated with the substance to be provided in the registration dossier. Where substances that do not in fact meet the definition of intermediates and/or are not manufactured under strictly controlled conditions are registered as intermediates, there is a risk that workers, consumers or the environment could be adversely exposed where insufficient information about associated dangers has been given.

For this reason, ECHA is clamping down by ensuring registration of intermediates is only accepted where the substances fulfil the definition and are made/used by industry under strictly controlled conditions. ECHA is using both manual and automated processes to evaluate registration dossiers. In autumn 2012, ECHA began the process by screening approximately 5,500 dossiers for any substances registered only as intermediates and found that nearly half of these dossiers included uses that were unlikely to fulfil the definition of intermediates under REACH. ECHA gave these registrants three months to make the necessary amendments to their dossiers. 1,844 dossiers were updated, but some were not: now legal action is being taken to follow up on those companies who have failed to make the necessary amendments.

ECHA will release a new version of the dossier screening tool in February, improving the checks that are made on the user descriptor information in intermediate dossiers before submission.

This legal action by ECHA is the latest evidence of an increasing focus on compliance and enforcement. In 2013, an ECHA study revealed that two-thirds of downstream users of chemicals were in violation of regulatory controls. The EU REACH regulations have now been in force for six and a half years and various major compliance milestones have now passed. The emphasis is increasingly turning to compliance.

Our product stewardship team advises on EU and national regulatory matters for chemicals, products and supply chains and can support your business with compliance advice, regulatory defence and litigation.

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