



The Distributor's role in REACH

Distributors have a key role to play in REACH. This leaflet explains this role and a distributor's responsibilities under REACH.

What is REACH?

REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) is the new system for controlling chemicals in Europe. It became law in the UK and the whole of the European Union on 1 June 2007.

REACH covers most chemical substances that are manufactured in or imported into the EU. This can be:

- A substance on its own
- A substance in a 'preparation' (a mixture, for example ink or paint)
- A substances that makes up an 'article' (an object that is produced with a special shape, surface or design, for example a car, a battery or clothes)

What will happen to chemicals under REACH?

Substances that are manufactured or imported into the EU in quantities of 1 tonne or more per year will need to be registered with the new European Chemicals Agency (ECHA) in Helsinki. The process starts with pre-registration between 01 June - 30 November 2008 with registration then phased in over a period of years (unless a substance is pre-registered it cannot benefit from the phase-in period). Some substances are exempt from all or certain aspects of REACH. You should read UK REACH Competent Authority leaflet 8 on exemptions for more details (available at <http://www.hse.gov.uk/reach/resources.htm>).

Who is a distributor under REACH?

A distributor is anyone who only stores and places on the market a substance, on its own or in a preparation, for third parties. Placing on the market may be supply or simply making a substance available, and may be in return for payment or free of charge. A retailer is a distributor. If the products that you distribute are articles, then you will also be classed as a 'supplier of articles'.

Some companies who may consider themselves to be distributors may also have different roles as defined by REACH, e.g. importers (see 'Other non-distributive roles' below)

Why is the role of distributor so important?

Communication up and down the supply chain is critical to the successful implementation of REACH. As a distributor, **you are a vital link in this communication chain between suppliers and downstream users** and your participation is needed now and will continue into the future.

It is not just the distributors of chemicals that are important. Suppliers of a wide range of goods including articles need to act.

What are distributors required to do?

1. You will need to pass health and safety information (including Safety Data Sheets, as appropriate) on the hazards and risks of the products you handle up and down the supply chain. You should read UK REACH Competent Authority leaflet 13 on Safety Data Sheets for more details (available at <http://www.hse.gov.uk/reach/resources.htm>). Importantly, your customers may need you to ask questions or pass information back up the supply chain and it is important that you help.

For example:

- If your supplier provides information on the hazards or safe handling of a substance/preparation, then you would have a duty to pass this on to your customers;
- If your customers provide information about the uses to which they put the chemicals, you should pass this on to your supplier. Customers may need to make the company who will register the substances aware of their use in order for the manufacturer/importer to support it via their registration dossiers.
- Customers may want to know that the substances they are using have been pre-registered/registered under REACH so that they are meeting their legal obligations in respect of the use of these substances.

As most supply chains have many links, each distributor must pass information up and down the supply chain for REACH to operate properly.

2. From December 2008, you should not distribute products containing substances that should have been, but have not been, either pre-registered or registered.

In order to ensure that you will be able to fulfil your customer orders in the future (particularly if you distribute uncommon chemicals), you should consider contacting your supplier to find out if the substances in question will be pre-registered/registered by whoever makes or imports them. It is possible that some companies may decide not to register chemicals for business reasons in which case they will be removed from the market. If so, then you may need to find an alternative source.

3. You need to keep all information that you require to carry out your duties under REACH for a period of at least 10 years after you last supplied a substance/preparation.
4. If you supply articles, containing a substance of very high concern (SVHC) in a concentration above 0.1 % weight by weight, you should supply your customer with sufficient information to allow safe use of the article and as a minimum the substance's name. In the future consumers may ask if SVHCs are present in articles and you (or whomever you supply) will need to provide a response within 45 days (you can read more about substances in articles in UK REACH Competent Authority leaflet 9 on REACH and articles at <http://www.hse.gov.uk/reach/resources/guidance.pdf>).

SVHCs are substances that have hazards with serious consequences, e.g. they have the potential to cause cancer, or they have other harmful properties and remain in the environment for a long time with their amounts in animals gradually building up. Lists of priority SVHCs that will receive further examination by the REACH regulatory authorities will be compiled periodically. The first such list will be published by mid 2009 on the web pages of the European Chemicals Agency at http://echa.europa.eu/reach_en.html.

Other non-distributive roles

For a trader, who imports chemical substances directly from outside the EU and then distributes them within the EU:

- The provisions in REACH that relate to importers will also apply to you for the importation of any substance in 1 tonne or more per year in addition to the duties of a distributor. You should read UK REACH Competent Authority leaflet 3 for importers for more details (available at <http://www.hse.gov.uk/reach/resources.htm>).

For a trader, who buys chemical substances from inside the EU and blends other chemical substances with them before supplying them on:

- The provisions in REACH that relate to downstream users will apply to you in addition to the duties of a distributor. You should read UK REACH Competent Authority leaflet 4 for downstream users for more details (available at <http://www.hse.gov.uk/reach/resources.htm>).

For a haulier, who solely transports dangerous substances and dangerous substances in dangerous preparations by rail, road, inland waterway, sea or air:

- REACH does not apply to you and you should continue to comply with current UK / EU legislation as appropriate, for example:
 - The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007;
 - The Dangerous Substances in Harbour Areas Regulations 1987.

What should you do now?

DON'T PANIC

Distributors should not pre-register or register substances under REACH, unless they are also an importer.

If you need to find out more to decide what your duties may be under REACH then further help is available. The UK REACH Competent Authority website gives you more information on the areas covered in this leaflet, and on REACH in general. It can be found at www.hse.gov.uk/reach.

Visit the European Chemicals Agency website for more detailed information, and to access a useful tool called Navigator, which will help you work out your duties under REACH. It can be found at http://reach.jrc.it/navigator_en.htm.

If after reading the guidance you still require clarification of where your company fits into REACH then you can contact the UK CA helpdesk on

0845 408 9575 or email ukreachca@hse.gsi.gov.uk



WHATEVER YOUR BUSINESS IS, FIND OUT MORE TODAY- don't leave it until it is too late