

## Contents

1.	Why to use the REACH-Code-Model in non-EU supply chains .....	2
2.	What information will be required by the OR? .....	2
3.	What are the REACH obligations of an Importer/Downstream User (DU) relative to the Code process? .....	5
4.	Why do Code Certificates and Import Certificates have different validity periods? .....	5
5.	Why can't I use more Code material in my products than the volume listed on my supplier's Code Certificate? .....	6
6.	How often "should I" request Code or Import Certificates? .....	6
7.	How can I receive detailed information like Registration Numbers, Identified Uses, SVHC Status, etc.? .....	7
8.	I have received a Code Certificate from my supplier, but have underestimated the required volume of Code material to be used in my products. How can I increase the volume? .....	8
9.	I have two valid Code Certificates for the same Code material and want to request a Code or Import Certificate for my customer. How can I use both Codes in one request form by using up the oldest Code material first? .....	8
10.	Who do I have to contact to request a Code Certificate from my supplier? .....	8
11.	I have received a Code Certificate for a monomer that I use to make a polymer and need to request a Code or Import Certificate for my own product. Does the 'percentage of product covered by given code' on the Code request form refer to the residual (i.e. not reacted) amount of monomer in my product, or the amount that was used to make the polymer within my product? .....	8
12.	I am a non-EU manufacturer and provide Code Certificates to my direct non-EU customers. Would it be possible that I receive and pay all invoices of all Code or Import Certificates that are being requested by my direct or indirect customers of my downstream supply chain? .....	9
13.	Can I receive invoices issued in a different currency than Euro? .....	9
14.	My accounting department requires certain documents in order to be able to pay the REACH-Code-Model invoices. ....	10
15.	I need to have an original invoice sent by regular mail instead of a PDF invoice. ....	10
16.	Can I receive individual REACH documents which provide information on substance names, registration numbers, Only Representatives, etc.? .....	10
17.	Do I have any REACH obligations or do I need to support my EU customers if I'm exporting chemical products to the EU in volumes below 1 metric ton per year? .....	11
18.	I want to provide 100% REACH coverage for my formulated product to my customers. However, my product contains exempted substances (like for e.g. water) for which I have not received Code Certificates from my suppliers. What can I do? .....	12

## 1. Why to use the REACH-Code-Model in non-EU supply chains

In many cases in a non-EU supply chain (from the non-EU manufacturer, through traders and/or formulators, down to the importers) it will be impossible for the importer of a product to fulfill his REACH obligations. First of all the importer may not know the substances contained in a product. Even if he does, he may not know their exact volumes and (pre-)registration status, except the whole supply chain would be willing to disclose and exchange confidential business information about their suppliers and customers and the proper compositions of their products.

The nominated Only Representative (according to REACH Article 8) of a non-EU manufacturer takes over the REACH obligations of an importer and therefore relieves the importers from these. In this case the OR is obliged to keep track of all substances and their volumes entering the EU plus their corresponding importers.

So how can an external OR do what an importer cannot do? The answer is pretty simple. The OR is not part of the supply chain and especially does not have any commercial interest in the products. Therefore the OR can act as a Trustee for all participants of a supply chain. By doing so, he will be able to record and encode all necessary data in a database and return the information in the form of a code to every supplier. Now every supplier can deliver his product together with the code to the next level of the supply chain. This way all information will be transported down to the importer. In case of an inspection by EU authorities, the importer can present this information and reference to the OR (or Trustee) who will then be able to prove the (pre-)registration status of the contained substances.

Please read our REACH-Code-Model flyer at <http://chemservice-group.com/our-services/compliance-in-the-supply-chain/reach-code-model> for more details.

## 2. What information will be required by the OR?

- ⇒ The non-EU manufacturer who has appointed the OR needs to give his product names (trade names) together with their compositions to the OR. The OR will enter all product components together with their (pre-)registered volume bands into his (encoded and protected) database in order to be able to track and monitor all substance volumes.
- ⇒ The non-EU manufacturer needs to request a new unique and time limited code certificate for every volume of a product that he wants to sell to a non-EU customer.

Therefore he needs to tell the OR

- the name of the customer
- the name of his product that he wants to sell
- the total amount of the product to be sold

He does not need to disclose the composition again, because it is stored in the database already. This way the clerical assistant (who will generate the code) does not have insight into this confidential information.

- ⇒ The non-EU customer who modifies, resells or exports the received product, will become the new supplier and again needs to request a new unique and time limited code or import certificate for every volume of a product that he wants to sell to a customer.

Therefore he needs to tell the OR (=Trustee)

- the name of the customer
- the name of his (new) product that he wants to sell
- the total amount of the product to be sold
- the code that he received together with the product from his supplier
- the percentage of the received code material contained in his new product

**Please see the following sample code request forms for further explanation.  
("AllChemicals Corp." is the company that has nominated the OR.)**

## APPLICATION FOR CODE / IMPORT CERTIFICATE

Please submit by email to: [code@chemservice-group.com](mailto:code@chemservice-group.com)

**Date of request:** Day **06** Month **11** Year **2008**

**Request type:** ☒ Code Certificate  
☐ Import Certificate (only if Customer = EU Importer)

**Certificate is valid from:**Day **21** Month **02** Year **2008**

Determines the start date of the validity period of the Code or Import Certificate.

If this request is based on a Code Certificate then this date cannot be before the "valid from" date of the Code Certificate.

**Certificate is valid to:**

Day Month Year

Leave this information blank in order to obtain the maximum validity period for a Certificate.

This information would be required only by non-EU manufacturers whose products may contain substances, which will not be registered by the REACH registration deadline 2018/05/31.

**Supplier:**

Company name: **AllChemicals Corp.**  
 Address: Great Ave. 6278  
 Fantasy City, GX 02654  
 Country: USA

**Supplier contact regarding this request:**

Name: Sandy Beach  
 Phone: +1-555-435-6547  
 Email: s.beach@allchemicalscorp.com

**Authorized Customer / EU Importer to which this request applies:**

Company name: **Mishmash Chem.**  
 Address: Uphill Road 1423  
 Plastics Town, KL 72533  
 Country: USA

**Application for a Code/Import Certificate of REACH compliance for the following product & volume:****Product name:****Product ABC**

This is the trade name of the product that is being supplied to the Customer / EU Importer.

**Product volume:****100 metric tons**

Amount of product that is being supplied to the Customer / EU Importer and for which this Code or Import Certificate is providing coverage.

(Max. accuracy up to 4 digits after the decimal point.)

*This section is applicable only if your product contains material for which you received a Code Certificate***This application refers to the following supplier Code Certificate(s):**

Code No.:	
percentage of product covered by given code:	%
Code No.:	
percentage of product covered by given code:	%
Code No.:	
percentage of product covered by given code:	%
Code No.:	
percentage of product covered by given code:	%
Code No.:	
percentage of product covered by given code:	%

## APPLICATION FOR CODE / IMPORT CERTIFICATE

Please submit by email to: [code@chemservice-group.com](mailto:code@chemservice-group.com)

<b>Date of request:</b>	Day <b>14</b> Month <b>11</b> Year <b>2008</b>
-------------------------	--

<b>Request type:</b>	<input checked="" type="checkbox"/> Code Certificate <input type="checkbox"/> Import Certificate (only if Customer = EU Importer)
----------------------	--

<b>Certificate is valid from:</b> Day <b>02</b> Month <b>11</b> Year <b>2008</b> Determines the start date of the validity period of the Code or Import Certificate. If this request is based on a Code Certificate then this date cannot be before the "valid from" date of the Code Certificate.	<b>Certificate is valid to:</b> Day      Month      Year Leave this information blank in order to obtain the maximum validity period for a Certificate. This information would be required only by non-EU manufacturers whose products may contain substances, which will not be registered by the REACH registration deadline 2018/05/31.
---	---

<b>Supplier:</b> Company name: <b>Mishmash Chem.</b> Address: Uphill Road 1423 Plastics Town, KL 72533 Country: USA	<b>Supplier contact regarding this request:</b> Name: Jack Frost Phone: +1-555-712-9962 Email: j.frost@mishmashchem.com
---	--

<b>Authorized Customer / EU Importer to which this request applies:</b> Company name: <b>NorthSouth Industries</b> Address: Jangling Road 231B Haishang Country: China
--

<b>Application for a Code/Import Certificate of REACH compliance for the following product &amp; volume:</b>	
<b>Product name:</b> <b>Mish-o-mash 25</b> This is the trade name of the product that is being supplied to the Customer / EU Importer.	<b>Product volume:</b> <b>150 metric tons</b> Amount of product that is being supplied to the Customer / EU Importer and for which this Code or Import Certificate is providing coverage. (Max. accuracy up to 4 digits after the decimal point.)

<i><u>This section is applicable only if your product contains material for which you received a Code Certificate</u></i>	
<b>This application refers to the following supplier Code Certificate(s):</b>	
Code No.: <b>88696CF80E1AF388F61EBA070B-2009</b>	
percentage of product covered by given code: <b>66,667</b> %	
Code No.:	
percentage of product covered by given code:      %	
Code No.:	
percentage of product covered by given code:      %	
Code No.:	
percentage of product covered by given code:      %	
Code No.:	
percentage of product covered by given code:      %	

**3. What are the REACH obligations of an Importer/Downstream User (DU) relative to the Code process?**

For substances which are covered by the Import Certificate under the REACH-Code-Model, the Importer is considered a so called downstream user (DU) and consequently being relieved from the REACH obligation to pre-/register any of these imported substances. Guidance and information on any further duties of a DU can be found on the ECHA website.

For substances in a product (mixture) which are not covered by the Import Certificate, the Importer needs to make sure that they are covered by the other non-EU manufacturer's supply chain. Otherwise the Importer will not become a DU for these substances, but instead function as an Importer and become responsible for pre-/registration.

**4. Why do Code Certificates and Import Certificates have different validity periods?**

The Only Representative needs to keep records of the total volume of every (pre-)registered substance that has been imported into the EU per calendar year. The annual imported volume determines the registration requirements of the registrant.

An Import Certificate certifies REACH coverage to the importer for a certain amount of product (and the substances contained). The amount stated should be equal to the real amount that has been imported. The sum of all imports per calendar year (at the substance level) makes up the annual imported volume. Therefore Import Certificates can only be valid for the calendar year when the import has taken place.

A Code Certificate issued by a non-EU manufacturer allows the subsequent supply chain to import the total amount of product (that is stated on the Code Certificate) to be imported into the EU.

Ideally the Code Certificate would be valid for the calendar year of issuance only. This would allow the non-EU manufacturer to retain control of the maximum product (substance) volumes that are potentially being imported into the EU. Without this control the annual imported volume could exceed the volume band in which a substance has been (pre-)registered. This could lead to extended registration requirements and of course to increased product costs.

So why is the Code Certificate valid from the date of issuance until the end of the following calendar year?

Imagine that a Code Certificate for 50 tons of a product is being issued to a non-EU formulator close to the end of a calendar year. Until the end of the same calendar year the formulator uses up 40 tons of the product (that has been supplied to him) to make a new product and to import it into the EU. So there are 10 tons left which cannot be imported anymore if the Code Certificate would only be valid for the year of issuance. Re-issuing a new Code Certificate for the remaining volume (10 tons) doesn't work, because the non-EU manufacturer does not and cannot know how much of his initially coded product has been really used up by the formulator. So the formulator could simply say "I still have 40 tons of product" (instead of 10 tons) without the supplier being able to check this. This would allow the formulator to buy 30 tons of potentially cheaper non-(pre-)registered material from another supplier and to "free-ride" on the (pre-)registration of the non-EU manufacturer.

The prolonged validity period of the Code Certificate avoids this situation and provides more flexibility to the whole subsequent supply chain. Of course the non-EU manufacturer still has the risk of exceeding a (pre-)registered volume band. In order to minimize this risk, all coded product volumes should be based on annual forecasts from customers, so that only small amounts of products are being carried over into the following calendar year. Additionally detailed volume reports are being provided to the non-EU manufacturer on a regular basis. These reports show the total coded and imported volumes per substance per calendar year and provide some kind of control to the non-EU manufacturer. Of course no customer or importer or other product or composition details are being provided!

**5. Why can't I use more Code material in my products than the volume listed on my supplier's Code Certificate?**

The initial manufacturer of the substances (that are contained in the Code material that you received from your supplier) is covering with his (pre-)registration for your substance volumes. The total annual EU imported volume per substance determines the registration obligations of the manufacturer who is providing coverage to you. Therefore the manufacturer needs to control the volumes of substances that he wants to allow his customers to bring into the EU in order not to exceed certain thresholds. For that reason, the Code system is checking the accumulated volume for every Code that is being used in customer products against the maximum total volume allowed on the Code Certificate received from the supplier. Another reason for checking the volumes is that the manufacturer (who is providing coverage to his customers) has an interest in avoiding situations where customers are taking a "free ride" on his (pre-)registration by purchasing the same material from another supplier.

**6. How often "should I" request Code or Import Certificates?**

Due to the obligation to track substance volumes on an annual base, Code and Import Certificates can be valid for certain periods only. The products and volumes (that are being listed on the Certificates) need to be supplied to your customer(s) and finally imported into the EU, within the validity periods stated on the Certificates. Volumes, that have not been imported into the EU during the validity periods, cannot be simply carried over to another Certificate. Instead you will need to request a new Code Certificate from your supplier.

The following example shows the advantages and disadvantages of different Certificate request scenarios in case that you (non-EU supplier) supply the same product to the same customer (EU importer) several times per year. In the example you have received a Code Certificate from your supplier that covers for 100 tons of product "ABC" (= Code material).

1. Request one single Import Certificate that covers for the total volume of product that has been forecasted to be imported during the year. The Code system counts the whole certified product volume on the Import Certificate as real EU-imported product volume. This happens as soon as the Import Certificate has been issued and is independent from your real shipments to the EU. This is the only way for the Code system to know when a product has arrived in the EU!

**Pros:**

- Cheapest solution, because you will need to request and pay for one Certificate only.
- The importer is able to prove REACH compliance right away in case of checks by customs authorities.

**Cons:**

- You request an Import Certificate for your own product for a total annual volume that consumes for e.g. 70 tons of the Code material "ABC" that is being covered by the Code Certificate of your supplier. Until the end of the year you only import 50 (of 70) tons of product "ABC" that is contained in your product. You "lose" 20 tons of Code material "ABC" that could be used for imports through other importers or for use in other products with final imports into the EU. Only the remaining 30 tons (=100 tons -70 tons) of product "ABC" can be used for other products and/or imports.
- You and/or the EU importer need to monitor the real imported volumes of your products in order not to exceed the total certified product volume. Otherwise the importer will be out of REACH compliance.

2. Request an Import Certificate for every single shipment to your EU importer.

**Pros:**

- The Import Certificate reflects exactly what is being listed on the shipping documents.
- You and/or the EU importer do not need to monitor the real imported volumes of your products.
- The importer is able to prove REACH compliance right away in case of checks by customs authorities.
- No risk of "losing" Code material volumes through product volumes (on Import Certificates) that have not been imported into the EU until the end of the year.
- The Only Representative or Trustee of the non-EU manufacturer, who is covering with their (pre-)registration for the EU imported substances and volumes, can monitor very closely all imported substance volumes in order not to exceed certain volume band thresholds.

**Cons:**

- Most expensive solution for the Certificate requester, because every single Certificate will need to be paid for.

3. Request one Import Certificate at the beginning of the year for the minimum product volume that will most likely be imported through the same importer during the current year. During the year you monitor the real EU imported volumes and request an additional Import Certificate towards the end of the year in case that you need coverage for additional volumes.

**Pros:**

- Reduced certificate costs, because ideally a maximum of two certificates per product and importer is needed.
- Reduced risk of "losing" Code material volumes through product volumes (on Import Certificates) that have not been imported into the EU until the end of the year.
- The importer is able to prove REACH compliance right away in case of checks by customs authorities as long as the total certified product volume is not being exceeded.

**Cons:**

- You and/or the EU importer need to monitor the real imported volumes of your products in order not to exceed the total certified product volume. Otherwise the importer will be out of REACH compliance.

The whole example can be applied analogously to cases where a non-EU supplier supplies to another non-EU supplier first. In this case a Code Certificate instead of an Import Certificate would be needed.

## 7. How can I receive detailed information like Registration Numbers, Identified Uses, SVHC Status, etc.?

This information is not and cannot be part of the REACH-Code-Model. Any Code or Import Certificate provided to customers may consist of several products coming from different supply chains, where Chemservice could be directly acting as Only Representative or as a Trustee for another Only Representative. Additionally it may happen that an Import Certificate is not covering for 100% of the imported product, in case that the imported product contains material coming from another supply chain that is not participating in the REACH-Code-Model. As a result, Chemservice cannot have all of the requested information and therefore cannot provide it to customers. Even if Chemservice could provide such information, it is the supplier's decision how much information he wants to provide to his customers (unless he's obliged to do so). The goal of the REACH-Code-Model is to provide REACH pre-/registration coverage to the EU importers for the substances contained in their imported products. This will make the importers so called Downstream Users and therefore relieve them from their own obligation to pre-/register, without the need to disclose confidential business information. Any other information needs to be communicated up and down the supply chain, outside of the REACH-Code-Model. Most of this information needs to be included in Safety Data Sheets anyway. If it's not included, then you need to request it from your supplier, who is responsible for integrating and merging such information into his own Safety Data Sheet.



**8. I have received a Code Certificate from my supplier, but have underestimated the required volume of Code material to be used in my products. How can I increase the volume?**

Unfortunately the volume on previously issued Certificates cannot be changed anymore, because this could have an impact on existing transactions in our system and therefore could lead to inconsistencies in the volume check routines. Additionally this would allow customers to hold two Code Certificates with the same Code, but different volumes in their hands. In case of checks by enforcement authorities, this could lead to the conclusion that the total volume of both Import Certificates would be covered for imports.

Please go back to your supplier and request an additional Code Certificate for the additional (or more) Code material that you estimate to be used until the end of the validity period of the additional Code Certificate. Our Code request form allows to fill in more than one Code for requesting your own Code or Import Certificate. Just fill in the percentage of "old" Code material plus the percentage of "new" Code material. This ensures that you use up your old Code material first before using the new one.

**9. I have two valid Code Certificates for the same Code material and want to request a Code or Import Certificate for my customer. How can I use both Codes in one request form by using up the oldest Code material first?**

Just fill in both Codes and the appropriate percentage of each Code material at the bottom of the request form. Please calculate the required percentage of each Code material according to the following example:

You need a Code Certificate for your customer for 20 tons of your product that contains 60% Code material. Your "old" Code Certificate has only 3 tons of Code material left.

$60\% \text{ of } 20 \text{ tons} = 12 \text{ tons (of Code material needed)}$

So you will need to use the remaining 3 tons of "old" Code material plus 9 tons of the "new" Code material to total up to the required 12 tons.

$3/12 \text{ of } 60\% = 15\% \text{ of "old" Code material}$

$9/12 \text{ of } 60\% = 45\% \text{ of "new" Code material}$

**10. Who do I have to contact to request a Code Certificate from my supplier?**

Just get in touch with your product supplier directly to request a Code Certificate. You will have to tell them for which product and volume (that they supply to you) you require coverage. Please do not send these requests to Chemservice. Chemservice does not have insight into which products and volumes are being supplied to you and cannot know if your supplier is willing to provide REACH coverage for these products.

**11. I have received a Code Certificate for a monomer that I use to make a polymer and need to request a Code or Import Certificate for my own product. Does the 'percentage of product covered by given code' on the Code request form refer to the residual (i.e. not reacted) amount of monomer in my product, or the amount that was used to make the polymer within my product?**

The percentage has to refer to the amount of monomer that is being used to make the polymer, because this is the volume that the OR of the non-EU manufacturer has to track and which determines the REACH registration obligations for the monomer.



**12. I am a non-EU manufacturer and provide Code Certificates to my direct non-EU customers. Would it be possible that I receive and pay all invoices of all Code or Import Certificates that are being requested by my direct or indirect customers of my downstream supply chain?**

As a matter of principle and also for confidentiality reasons the simple answer has to be "no" and therefore each Code or Import Certificate needs to be paid directly by the company who is requesting such a certificate.

First of all the REACH-Code-Model system has been designed to keep all confidential business information as far as possible hidden, even to the people who are entering code requests into our system. So if we receive a request for a Code or Import Certificate from a customer down your supply chain, then we simply don't know that this request is coming from one of your direct or indirect customers. All that we can see is a code, but no information on the initial substance supplier. Of course we will be able to run specific reports that are able to resolve the supply chain(s). But this can only be done by dedicated people and is necessary only in case of inspections by authorities.

Of course we are able to assign separate billing addresses to each of the supplier/customer addresses that we enter into our system. This is intended for cases where for e.g. a non-EU legal entity requests a certificate, but the respective invoices are being paid by one of their EU legal entities. But what would happen if we would assign your company's address as being the billing address to each of your direct or indirect customer addresses? You would simply receive and pay for all invoices for any Code or Import Certificates that are being requested by one of your direct or indirect customers. This would even happen if one of these customers would request a certificate for a product that has been supplied through a completely different supply chain that is participating in the REACH-Code-Model system too and there would be no way for you to control and verify this! It might even happen that one of your direct or indirect customers is a formulator and requests a subsequent Code or Import Certificate that at the same time covers for different code materials coming from different supply chains. So in this case theoretically the certificate costs would need to be split between the different supply chains.

Another reason for sending invoices only to the company that is requesting a certificate is that only the requester knows that he requested something and therefore can verify that the billing is correct. Additionally it forces the requester to keep the certificate process as cost efficient as possible. If you would cover for your customer's certificate costs, then your customer would have the freedom to request individual certificates for every separate partial shipping that they do (for the same product and customer), even if it would be possible to put all shipped product volumes on one single certificate. Also in this case there's no way for you to verify this, since your customer won't tell you what he's done with your product and to whom it has been shipped.

For the above-mentioned reasons we simply cannot deviate from our procedures that are dictated by the principle requirements of the system. We try to keep everything as simple as possible. But in order to fulfill such a requirement we would have to manually analyze and track every single transaction that we enter into our system. Additionally we would have to create invoices and possibly split costs manually too. Doing this all manually would drastically increase the costs of the whole code system and would make it more than inefficient.

All that you can do is to find a solution between you and your direct customers to reimburse their certificate costs.

**13. Can I receive invoices issued in a different currency than Euro?**

No, this is not possible. We need to make sure that we receive our defined fees (see separate Terms & Conditions document) in the full Euro invoice amount. Due to exchange rate fluctuations, this cannot be ensured if invoices are issued in a different currency.

**14. My accounting department requires certain documents in order to be able to pay the REACH-Code-Model invoices.**

The REACH-Code-Model system is being offered, managed and operated under its own Terms & Conditions, on behalf of several Only Representatives of non-EU manufacturers/formulators. This service requires a well-defined process which all participants in the system have to follow, in order to be able to keep the administrative burden and consequently the associated fees for this service low. Therefore we will not be able to provide any specific documents like for e.g. bank statements, business registration documents, etc. Furthermore we do neither fill out any company specific vendor forms nor sign any 'Code of Conduct' or any other documents. Having to follow each company specific requirement will be impossible to manage and to maintain.

All necessary information on our company address, company registration number, banking information, etc. can be found on our invoices. Your accounting department should be able to process our invoices without any further documents.

**15. I need to have an original invoice sent by regular mail instead of a PDF invoice.**

According to our Terms & Conditions, all invoices are being provided electronically as PDF files only. Any original invoices (to be sent by regular mail) would simply be printouts of the PDF files, without any original signature. Therefore you can easily print them out by yourself.

**16. Can I receive individual REACH documents which provide information on substance names, registration numbers, Only Representatives, etc.?**

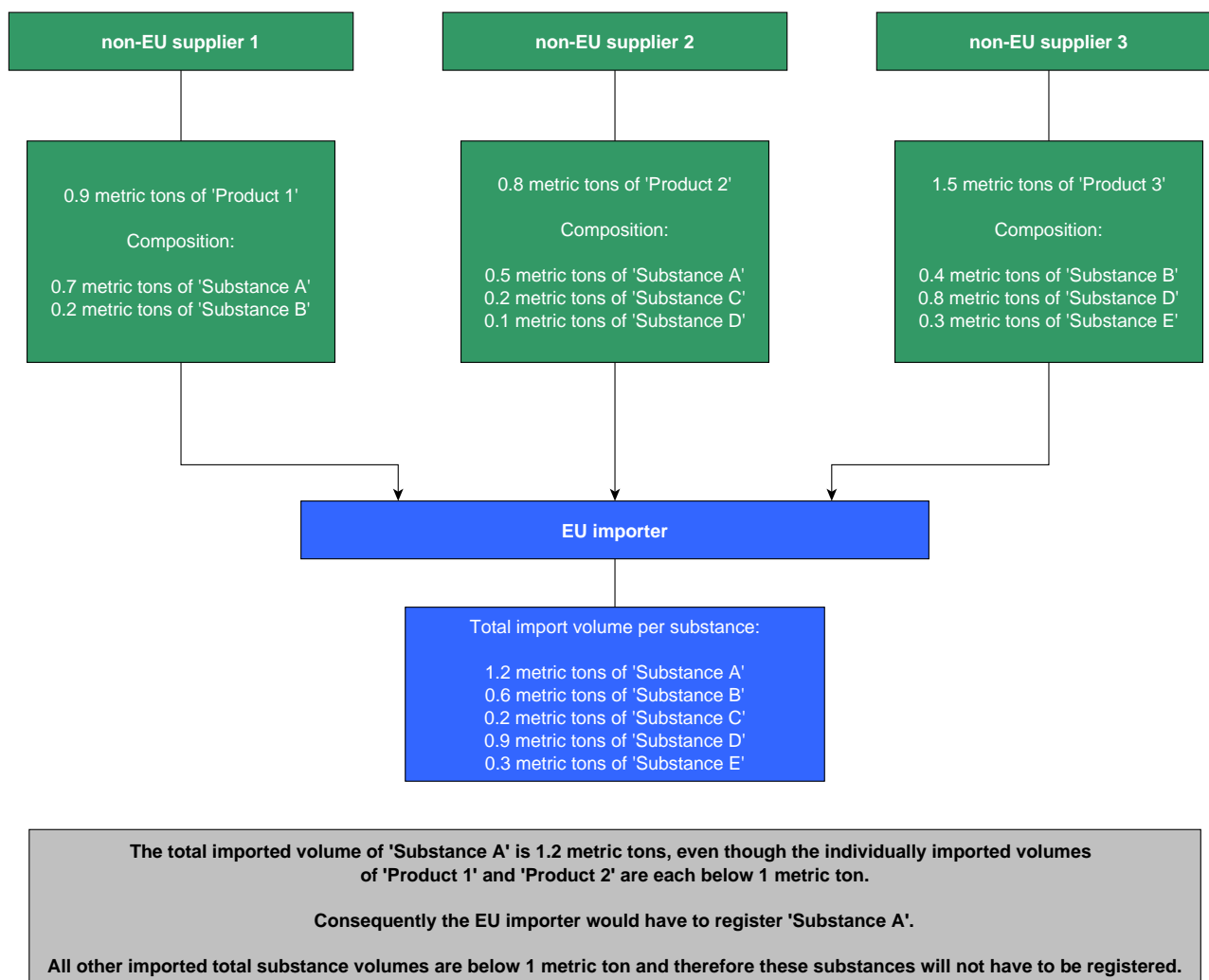
No, the only documents that are being provided are Code and Import Certificates. The REACH-Code-Model system had been developed to provide REACH coverage to downstream customers of non-EU manufacturers, without the need to disclose any detailed information on the supplied products, the substances contained, their actual manufacturers, Only Representatives, etc., since any such information might be regarded as being confidential business information, even though in certain cases some of this information might be obvious. The REACH-Code-Model system simply acts as trustee for all of this information and in case of a REACH inspection at the EU importer, Chemservice will be obliged and able to disclose all of the required REACH compliance and supply chain information to the authorities. Please note that any products that are being covered by the REACH-Code-Model may be made of various substances, originating from different non-EU manufacturers who have appointed different Only Representatives. These products may even contain several exempted substances (naturally occurring substances, re-imported substances or substances with a total annually EU imported volume below 1 metric ton). Therefore any REACH statements that provide and explain all of these details would be impossible to handle in an efficient way, besides the fact that confidential business information might need to be disclosed.

Please note as well that there is no REACH obligation to provide registration numbers to other parties, except for classified substances to be disclosed on Safety Data Sheets. Just having registered a substance doesn't mean that an EU import of such a substance is automatically in compliance with REACH. For e.g. if a substance has been registered in the 1-10 metric tons volume band, but is being imported in annual volumes of 12 metric tons, then this substance import is definitely not in compliance with REACH. The only relevant document is a written statement to the EU importer which confirms that their imported product volumes are indeed covered by the corresponding substance registrations of the respective Only Representatives of the non-EU substance manufacturers and/or that certain substances are being exempted. This is exactly what the REACH-Code-Model Import Certificates are doing and what is being recommended as well in ECHA's Guidance on Registration.

**17. Do I have any REACH obligations or do I need to support my EU customers if I'm exporting chemical products to the EU in volumes below 1 metric ton per year?**

Basically, non-EU companies are not subject to the EU REACH regulation. Consequently they cannot and do not have any direct REACH obligations. It is the EU importer who will need to ensure that his imports are in compliance with REACH, independent of the product volumes that their suppliers are exporting. Therefore the EU importer will need to register any (non-exempted) substances that he's placing on the EU market, in annual volumes of 1 or more metric tons. In order to be able to calculate the annually EU imported substance volumes, the importer will need to know the 100% composition details of all EU imported products from all different non-EU suppliers, because these products may contain identical substances which may total up to volumes of 1 or more metric tons per calendar year.

Example:



Although suppliers outside of the EU have no REACH obligations, they will need to support their EU customers if they want to continue their EU business and if the importers do not know the full compositions of all of their imported products. Otherwise the EU importers cannot prove to REACH enforcement authorities that their individual substance imports are below 1 metric ton and therefore will be exempted from the obligation to register. This can only be ensured if the EU importer is importing from one single non-EU supplier with a total annual EU imported product volume which stays below 1 metric ton, which is rarely the case. The only solution for this "misery" is that non-EU exporters (who have not appointed their own Only Representative) also request REACH coverage from their non-EU suppliers (who have appointed an Only Representative) for those low-volume substances that are contained in their exported products.

- 18. I want to provide 100% REACH coverage for my formulated product to my customers. However, my product contains exempted substances (like for e.g. water) for which I have not received Code Certificates from my suppliers. What can I do?**

The REACH-Code-Model can provide REACH coverage only for those components for which you have received Code Certificates from your suppliers. For this purpose, each of the respective non-EU manufacturers must have appointed an Only Representative who guarantees the 100% REACH compliance of the substances contained in the delivered components (products).

If your own formulated product for e.g. is made of 70% of components for which you have received Code Certificates from your suppliers and you are adding 30% of water, then the REACH-Code-Model can only confirm REACH coverage for the total content of "code material", which in this case would be 70%. For the remaining content you need to provide your own confirmations to your customers (outside of the REACH-Code-Model system) which may require that you have to disclose your composition details to these customers.

In order to avoid this you may appoint your own REACH Only Representative in order to take over the legal REACH responsibility and to confirm the REACH compliance of these substances to your customers as well. The appointed Only Representative would then need to have a 'Trustee Agreement' in place with Chemservice, unless you would appoint Chemservice as your Only Representative directly.