

# REACH – Guidance for Distributors

This leaflet explains the REACH responsibilities and key role distributors have to play in REACH.

## What is REACH?

REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) is the system for controlling chemicals in the EU/EEA. It became law in the UK 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 substance that makes up an 'article' (an object that is produced with a special shape, surface or design; for example, a car, a battery, clothes, etc.)

## What is happening 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 European Chemicals Agency (ECHA) in Helsinki by the manufacturer, importer, or 'Only Representative' appointed by a non-EU-based manufacturer. For substances that have been pre-registered, registration will be phased in over a period of years, with registration deadlines dependent principally on the tonnages of the substances manufactured or imported by the specific manufacturer or importer. For other substances registration should occur before the substance is placed on the market. Some substances are exempt from all or certain aspects of REACH. You should read [UK REACH Competent Authority Information Leaflet Number 8 - Exemptions](#) for more details.

## 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 additional 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 many articles may also have duties under REACH.

## 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 Number 13 - Safety Data Sheets](#) for more details. Importantly, your customers may need you to ask questions or pass information back up the supply chain and it is important that you help.

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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 the relevant information up and down the supply chain for REACH to operate properly.

2. You should not distribute products containing substances that should have been either pre-registered or registered, but haven't.

In order to ensure that you can 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 have been pre-registered (or registered already) by whoever makes or imports them. There are deadlines in 2010, 2013 and 2018 for the registration of pre-registered substances that will need to be respected by these manufacturers/importers. Substances not registered by the relevant deadline will need to be removed from the market until registered.

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) on the candidate list in a concentration above 0.1 % weight/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 Information Leaflet Number 9 – Articles](#)).

SVHC in this context, are substances that have hazards with serious consequences, e.g. they have the potential to cause cancer, or they have other harmful properties and accumulate and remain in the environment for a long time, and which have been named specifically on the [European Chemical Agency's "Candidate List of SVHCs"](#). The first list was published on 29<sup>th</sup> October 2008 and will be updated periodically.

## Other non-distributive roles

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

- The provisions in REACH that relate to importers will also apply to you for the importation of any substance in quantities of 1 tonne or more per year in addition to the duties of a distributor. You should read [UK REACH CA Information Leaflet Number 3 - What REACH Means for Importers](#) for more details.

For a trader, who also buys chemical substances from inside the EU/EEA 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 CA Information Leaflet Number 4 – What REACH Means for Users of Chemicals](#) for more details.

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For a haulier, who solely transports substances and/or 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.

## Summary

a) Distributors should ensure they know what their duties are under REACH.

b) As a Distributor, you should carry out your duties under REACH (as discussed above) i.e.:

- you should not distribute chemical substances (including substances in mixtures) in situations where the EU-based manufacturer or importer has not fulfilled their duty to (pre-)register them;
- you should pass information on the hazards, uses and risks of products you handle, including Safety Data Sheets, as appropriate up and down the supply chain;
- you should keep all information required to carry out your duties under REACH for a period of at least 10 years after you last supplied a substance/preparation; and
- if supplying articles that contain 0.1% or more of a SVHC (as named by ECHA on the Candidate List), you should provide your customer with sufficient information to allow safe use of the article.

c) Distributors should not register substances under REACH, unless they are also an importer.

## Further information

For advice on the application of REACH obligations, you can contact the UK REACH Competent Authority's national helpdesk:

Email: [UKREACHCA@hse.gsi.gov.uk](mailto:UKREACHCA@hse.gsi.gov.uk)

Website: [www.hse.gov.uk/reach](http://www.hse.gov.uk/reach)

