

Clariant Produkte (Deutschland) GmbH
D-65926 Frankfurt am Main

To whom it may concern

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Dr. R. Kratzberg
☎ +49 (0)69 305-12991
Fax +49 (0)69 305-89440
E-mail: Reinhard.Kratzberg@Clariant.com

Your REACH contact:
Dr. Reinhard Kratzberg
Product Safety Manager
Clariant Produkte (Deutschland) GmbH
Product Safety FUN Europe
Industriepark Höchst
Building C671
65926 Frankfurt am Main, Germany
REACH.FUN@Clariant.com

Re-import of REACH-substances

Dear customer,

Your urgent reaction is required for the re-import of REACH-substances and polymers into the European Union (EU).

In it's News Alert dated 6th October 2008, the REACH Authority (ECHA) recommended that for: re-imported substances (article 2.7c)*, monomers in polymers (Article 6.3)**, recovered substances (article 2.7 d) and substances intended to be released from articles (Article 7.6), companies should pre-register if they are not sure that the substances concerned will be registered by 1st December 2008, the end of the pre-registration period.

CEFIC, the chemical industry federation of Europe, did vigorously advocate against this strict legal interpretation which implicates the need of a "double" pre-registration (manufacturer and re-importer) - but without success. Therefore at November 17th, CEFIC did advice membership to start with the pre-registration of all substances that fall under the "double" pre-registration.

We strongly recommend to pre-register the substances purchased from Clariant-EU, if you intend to export them to the EU again (Re-import). This pre-registration ensures an uninterrupted export to the EU. Under the current situation, Clariant can not pre-register on behalf of the customers, but provide you a "blank list" of substances for pre-registration including the substances in the products purchased from Clariant's Division "Functional

Geschäftsführer:
Dr. Ralf-Henri Schlömer

Sitz der Gesellschaft:
Frankfurt am Main

Bankverbindung:
BNP Paribas Frankfurt
BLZ: 512 106 00
SWIFT: BNPADEFFXXX
Konto-Nr.: 9 223 099 012 **EUR**
IBAN: DE73 5121 0600 9223 0990 12
Konto-Nr.: 9 223 099 319 **USD**
IBAN: DE29 5121 0600 9223 0993 19

Aufsichtsratsvorsitzender:
Dr. Hans Schmidt

Handelsregister:
Frankfurt am Main, Abteilung B 42045

Chemicals". Because of time constraints, the use of the products in various businesses and by various customers, it's not possible to specify the individual substances in your products. Therefore we ask you to pre-register the whole list of substances attached via bulk-upload in ECHA's REACH IT system.

Please consider that Clariant will not act as „Only Representative,, for Non-EU-Not Clariant companies (e.g. Producer, Importer, Trader, Agent, Distributor, Sourcing Center).

Best regards

Clariant Produkte (Deutschland) GmbH



Dr. Reinhard Kratzberg
Product Safety FUN Europe

* **Re-import:** The REACH text says that substances registered, exported from the EU and re-imported into the EU (as such, in preparations or in articles) by the same or another actor in the same supply chain are exempted from registration. The EU Commission's interpretation of the legal text however is that the exemption applies once a substance has been duly registered, which means that all substances exported and re-imported should be pre-registered. "to be on the safe side" (until the company is assured that registration has taken place). In practice, this means double-pre-registrations will take place, followed by participation in SIEF's, until registration by the original manufacturer is ensured

** **Polymers:** The ECHA opinion is that pre-registration by a monomer manufacturer is not enough. This allows him to sell monomers to a polymer manufacturer, but the latter is not allowed to make polymers from them, without an own pre-registration of the monomers and related reactants of the manufactured polymer. Pre-registration is required for monomers in polymers even if they have been pre-registered in the EU before. The formal reasoning is based on a very formal interpretation of Article 2, 7 (c), which requires registration not pre-registration in the EU before.