

REACH Letter for non EU customers

Dear customer,

[REACH \(EC 1907/2006\)](#), the new European Union chemicals regulation, has entered into force on 1 June 2007. This new regulatory framework will replace most of the old regulations with the aim to minimize the risks of chemical substances for people and for the environment. REACH obligations to (pre)register are with the manufacturers and/or importers of substances sitting with their legal entity in the European Union.

INEOS Melamines has been preparing for REACH for several years now. The implementation of REACH in operational practise is an issue of high importance for the entire company.

For so-called phase-in substances (i.e. substances which are already on the market) the Regulation grants transitional periods of 3.5, 6 or 11 years from commencement of REACH on 1 June 2007, depending on annual volumes. The precondition for a recognition of a substance as phase-in substance - and thus for using these transitional periods - is a notification of the substance concerned to the [European Chemicals Agency \(ECHA\)](#) within the so-called pre-registration phase. The earliest date for the acceptance of notifications by the Agency was 1 June 2008; the pre-registration phase will end on 30 November 2008.

In the meantime **INEOS Melamines GmbH** located in **Germany** has successfully pre-registered all substances - including monomers - contained in its products. By doing so we ensure that no changes resulting from the REACH regulation will impact our products sold by **INEOS Melamines GmbH**, at least up to November 2010.

Indirect Imports of INEOS Melamines substances into the European Union

As mentioned above, REACH obligations to (pre)register are with the manufacturers and/or importers of substances located in the European Union. Therefore, the fact that INEOS Melamines GmbH has (pre)registered substances which INEOS Melamines manufactures and/or imports into the EU, may not satisfy the REACH obligation for other importers of the same substance(s).

INEOS Melamines substances (including monomers) contained in products produced and/or imported by our Germany based legal entity **INEOS Melamines GmbH** are already pre-registered. In case you will use our products in your own formulations and re-import these formulations into the European Community we strongly advise you to ask your importer(s) to pre-register all contained substances. REACH exemption for already registered substances in case of re-imports will apply according the [latest news from ECHA](#) only on already registered (not only pre-registered) substances. Final registration will not be required by the importer as we or our suppliers will do register these substances in the future. Please refer to attached list of substances to be pre-registered by your importers under the re-import regime: [INEOS Melamines List of substances for re-import.xls](#)

For INEOS Melamines substances contained in products (preparations and/or polymers, e.g. amino resins) produced by our **non-EU** entities contained in products you manufacture outside of the EU and you or your customers want to export to the EU, there are several options. In any case we strongly recommend that your EU-importer(s) or your Only Representative already pre-register all substances including monomers contained in our non-EU made products. Please refer to attached list of substances contained in our non-EU made products to be pre-registered by your importer(s) or Only Representative under the import regime: [INEOS Melamines List of substances contained in non-EU made products.xls](#)

Options for future REACH compliance:

- Your own importing Legal Entity in the EU can (pre)register the imported substance(s) and your EU based customers will purchase the product from your legal entity in the EU.
- Your importing EU based customer(s) (pre)register the imported substance(s) themselves.
- You can appoint an Only Representative.
For these three options disclosure of the composition of INEOS Melamines products are a pre-requisite.

INEOS Melamines will make a business decision on a case-to-case basis whether the composition including polymers of their products will be disclosed to a specific customer or not. In any case a secrecy agreement will be necessary. This route will be the preferred option we will go for.

- According to the actual [technical guidance document on REACH Registration](#) INEOS Melamines, a division of INEOS Americas LLC based in Springfield, MA, USA, has decided to appoint INEOS Melamines GmbH as Only Representative to cover our own imports, and in some cases and subject to specific conditions, to cover your exports of INEOS Melamines substances contained in your products (preparations) into the European Union. INEOS Melamines will make a business decision whether or not to act as 'Only Representative' for the components including monomers of our products imported by the importers of our non-European customer into the European Union. This (pre)-registration will cover only the components coming with the INEOS Americas LLC products. Registration of these substances will be limited to the volume band resulting from INEOS components and will not cover substances from other suppliers. It will be required that you inform the Only Representative INEOS Melamines GmbH about all European Importers of your products together with the respective volumes of the INEOS Americas LLC products contained in your formulations sent to each of these importers. Please contact REACH@ineosmelamines.com to indicate your interest to discuss this possibility with us, and the products involved. We are currently working to define the next steps, conditions and options to implement this scenario. By expressing your interest in this alternative, we will contact you soon. More information on the Only Representative route is given in section 1.5.3.4 Only representatives of "non-Community manufacturer" in the [Guidance on Registration](#).

To illustrate the different cases a couple of different scenarios will be discussed:

Scenario A – INEOS Melamines product produced in the European Community

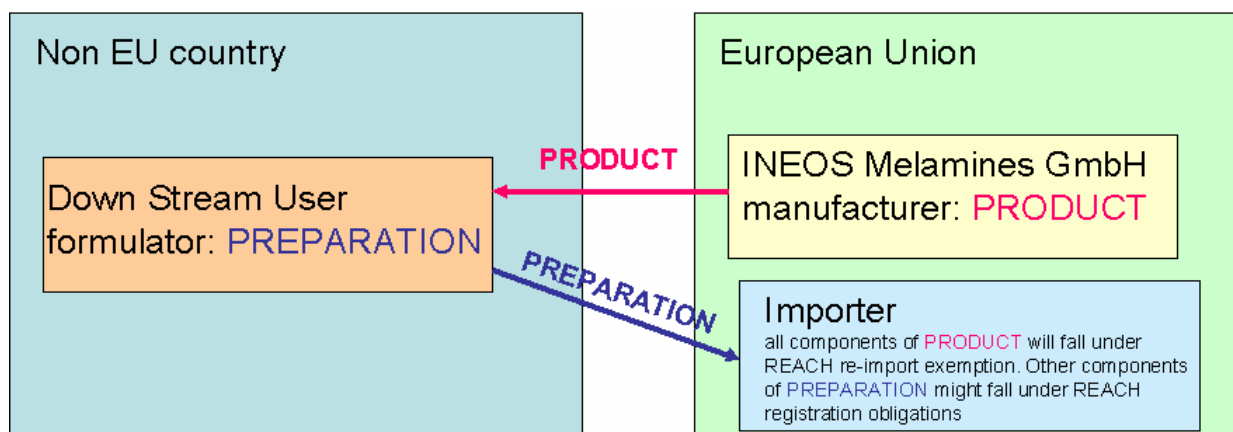
A Non-European customer purchases our products (e.g. amino resin) and produces a 'Preparation' (e.g. coating formulation) outside the European Union. This 'Preparation' then is imported into the European Union. Our product - possibly including a polymer compound - has been produced in the European Union and exported by INEOS Melamines to the non-European country in which our customer operates.

Our product – possibly including a polymer - (i.e. amino resins) has been manufactured in the European Union, all registration obligations will have been completed by INEOS Melamines GmbH or its suppliers in the future. In this case the re-import exemption will apply for the components, including monomers, present in the INEOS Melamines product. INEOS Melamines will provide the non-European customer or his importer with the appropriate information / registration numbers to demonstrate that registration has been completed.

As the REACH exemption for already registered substances in case of re-imports will apply according the [latest news from ECHA](#) only on already registered (not only pre-registered) substances we strongly advise you to ask your importer(s) to pre-register all contained substances. Final registration will not be required as we or our suppliers will do register these substances in the future. Please refer to attached list of substances to be pre-registered by your importers under the re-import regime: [INEOS Melamines List of substances for re-import.xls](#)

Please refer also to the Technical Guidance Document "[Guidance on registration](#)" section 1.6.4.6 Re-imported substance for more in depth information.

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PREPARATION consists of PRODUCT and products/ substances of other suppliers

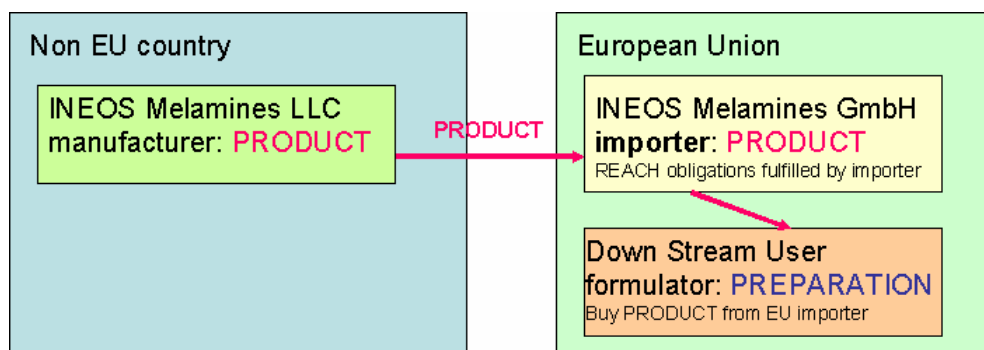
PRODUCT may consist of different substances and/or polymers

Scenario B – INEOS Melamines product produced outside the European Community Non EU-customer exports INEOS product into the EU

A Non-European customer purchases our products (e.g. amino resin) and exports the material (product) as such into the European Union. Our product has been produced outside the European Union.

INEOS Melamines will ask the customer to directly purchase the product from our Germany based legal entity INEOS Melamines GmbH. INEOS Melamines GmbH will act as importer and will handle all REACH related obligations.

Please contact your INEOS Melamines representative as early as possible if this case applies to you.



PRODUCT may consist of different substances and/or polymers

PREPARATION consists of PRODUCT and products/ substances of other suppliers

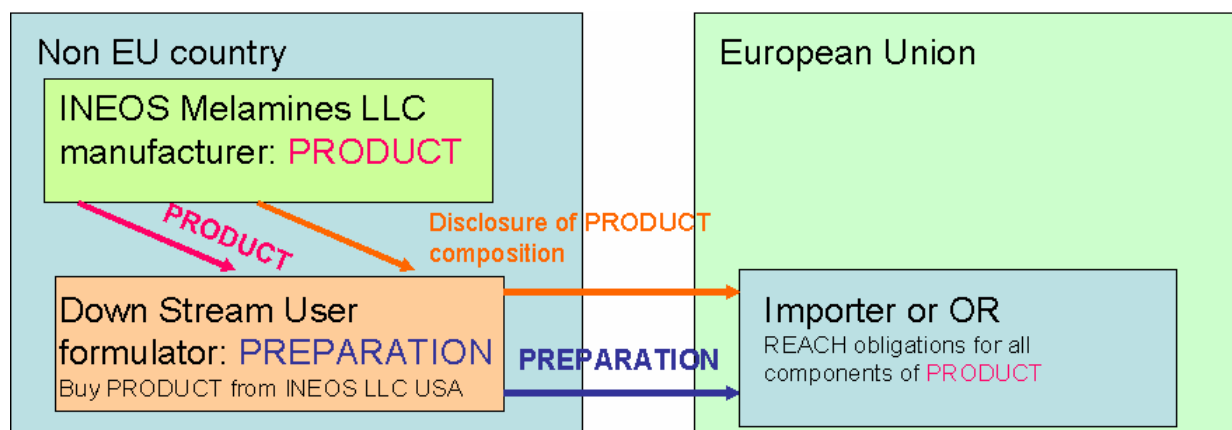
Scenario C – INEOS Melamines product produced outside the European Community Non EU customer's customer or Only Representative act as Importer

A Non-European customer purchases our products (e.g. amino resin) and produces a 'Preparation' (e.g. coating formulation) outside the European Union. This 'Preparation' then is imported into the European Union. Our product - possibly including a polymer compound - has been produced outside the European Union.

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'Preparations' are subject to the REACH regulation. The importer (here the importer of the 'Preparation' of our non-European customer) has the obligation to pre-register and to register. Considering that the INEOS Melamines' product (i.e. amino resins) has been produced outside the European Union, no registration will have been made. INEOS Melamines will make a business decision whether or not to disclose detailed composition data of the components including monomers of INEOS's product based on a secrecy agreement. The customer will have to provide composition data to his European Importer or Only Representative who will have to fulfil all REACH obligations.

Please contact our INEOS Melamines REACH contact: REACH@ineosmelamines.com



PREPARATION consists of **PRODUCT** and products/ substances of other suppliers

PRODUCT may consist of different substances and/or polymers

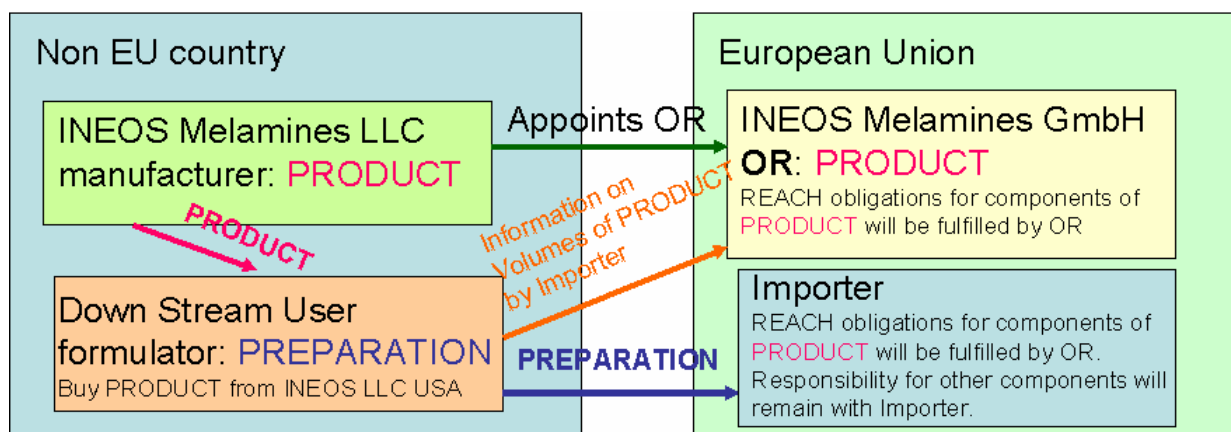
Scenario D - INEOS Melamines product produced outside the European Community INEOS Melamines GmbH act as Only Representative

A Non-European customer purchases our products (e.g. amino resin) and produces a 'Preparation' (e.g. coating formulation) outside the European Union. This 'Preparation' then is imported into the European Union. Our product - possibly including a polymer compound - has been produced outside the European Union.

'Preparations' are subject to the REACH regulation. The importer (here the importer of the 'Preparation' of our non-European customer) has the obligation to pre-register and to register. Considering that the INEOS Melamines' product (i.e. amino resins) has been produced outside the European Union, no registration will have been made. INEOS Melamines will make a business decision whether or not to act as 'Only Representative' for the components including monomers of INEOS's product contained in that 'Preparation' imported by the importers of our non-European customer into the European Union. The customer will have to provide import volumes by importer, use and exposure information related to the use of the components present in the 'Preparation' in the European Union. This includes all downstream uses (customer's customer - down the supply chain). INEOS Melamines GmbH will perform the registration and provide the non-European customer or his importer with the appropriate information / registration numbers to demonstrate that registration has been completed.

Please contact our INEOS Melamines REACH contact: REACH@ineosmelamines.com

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PREPARATION consists of **PRODUCT** and products/ substances of other suppliers

PRODUCT may consist of different substances and/or polymers

Definitions:
(Regulation EC 1907/2006, TITLE I, Chapter 2, Article 3)

Definitions

For the purposes of this Regulation:

1. substance: means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;
2. preparation: means a mixture or solution composed of two or more substances;
3. article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition;
4. producer of an article: means any natural or legal person who makes or assembles an article within the Community;
5. polymer: means a substance consisting of molecules characterised by the sequence of one or more types of monomer units. Such molecules must be distributed over a range of molecular weights wherein differences in the molecular weight are primarily attributable to differences in the number of monomer units. A polymer comprises the following:
 - (a) a simple weight majority of molecules containing at least three monomer units which are covalently bound to at least one other monomer unit or other reactant;
 - (b) less than a simple weight majority of molecules of the same molecular weight. In the context of this definition a 'monomer unit' means the reacted form of a monomer substance in a polymer;
6. monomer: means a substance which is capable of forming covalent bonds with a sequence of additional like or unlike molecules under the conditions of the relevant polymer-forming reaction used for the particular process;

If you have any questions to INEOS Melamines' position regarding REACH please do not hesitate to contact us:
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