



5 February 2016

Customer Letter 18

Dear Customer,

Subject: REACH and DuPont

This communication is simplified and concentrates on registration deadlines based on volume only. As a second subject, it addresses the communication of registration numbers to downstream users.

Confirmation of completed registrations

REACH requires the registration of chemical substances based on the manufacturing or import volume of each individual registrant. This obligation is due for manufacturers in the European Economic Area (EEA) and for importers into the EEA. The registration deadlines have been / are for volumes

- 1000 t/y 30 November 2010 (this deadline has passed. For any increase in manufacturing or import volume reaching / exceeding this limit, registration is due immediately)
- 100 – 1000 t/y 31 May 2013 (this deadline has passed. For any increase in manufacturing or import volume reaching / exceeding this limit, registration is due immediately)
- 1 – 100 t/y 31 May 2018

Condition for continued manufacturing or import until the applicable deadline has been a pre-registration of the chemical substance by each manufacturer or importer individually.

The pre-registrations included an intended registration date which, however, is not binding. Due to possible changes in the business conditions of a registrant, the registration deadline can shift forwards or backwards. Such changes may or may not be communicated to ECHA. ECHA also will not update information on its web-page with intended registration date changes.

Since many companies have made precautionary pre-registrations and / or for higher volumes than actually manufactured or imported, the (wrong) impression may arise, that registration deadlines have been missed by industry.

Concerning DuPont, we have met the previous and we will meet the upcoming registration deadlines for all substances DuPont has the obligation to register.

DuPont also monitors its suppliers and up to now did not identify any failure to register or any indication that the next registration deadline will not be met.



It is important to note, that for suppliers from which DuPont purchases in the EEA substance volumes below 100 t/y, such supplier may only be required to register by 31 May 2018, or may even be exempt.

A final confirmation that the registration has been completed for all substances in a given material that require registration under REACH, can only be provided after the last registration deadline of 31 May 2018.

Obligation to provide registration numbers to downstream users

REACH Title IV, Articles 31 and 32 defines the way of communication to downstream users, including registration numbers. For as hazardous classified materials such numbers are communicated through Safety Data Sheets (SDS). On SDS only hazardous substances have to be identified which are present in quantities which contribute to the classification of the material (Regulation (EC) No 1272/2008, Classification, Labelling and Packaging (CLP), Article 11). For non-hazardous materials no SDS are required at all. Consequently, no obligation exists to communicate registration numbers for registered non-hazardous substances except in special cases as per Article 32 (see below).

DuPont polymers as provided to customers in general are compounds including various additives. The compound itself or the different raw materials may be regionally sourced or partly or completely imported. Due to the confidentiality of material compositions, suppliers to DuPont in general will only provide registration numbers, once the registration is completed, for those substances which are identified as hazardous and present above the classification limit (CLP, Article 11). In certain cases – low manufacturing or import volume – this only will happen after May 2018. DuPont, in its role as supplier, has adopted the same approach.

DuPont therefore has no obligations to provide all registration numbers for the substances contained in its polymer compounds and also is not able to do so. Consequently, any such customer requests unfortunately cannot be satisfied.

Yours faithfully,

Dr. Stefan Dully
Regulatory Affairs Manager, DPM, EMEA



Annex:

Regulation (EC) No 1907/2006 (REACH), Title IV, Articles 31 and 32

**TITLE IV
INFORMATION
IN THE SUPPLY CHAIN**

Article 31

Requirements for Safety Data Sheets

1. The supplier of a substance or a preparation shall provide the recipient of the substance or preparation with a safety data sheet compiled in accordance with Annex II:
 - (a) where a substance or preparation meets the criteria for classification as dangerous in accordance with Directives 67/548/EEC or 1999/45/EC; or
 - (b) where a substance is persistent, bioaccumulative and toxic or very persistent and very bioaccumulative in accordance with the criteria set out in Annex XIII; or
 - (c) where a substance is included in the list established in accordance with Article 59(1) for reasons other than those referred to in points (a) and (b).
9. Suppliers shall update the safety data sheet without delay on the following occasions:
 - (a) as soon as new information which may affect the risk management measures, or new information on hazards becomes available;
 - (b) once an authorisation has been granted or refused;
 - (c) once a restriction has been imposed.

The new, dated version of the information, identified as "Revision: (date)", shall be provided free of charge on paper or electronically to all former recipients to whom they have supplied the substance or preparation within the preceding 12 months. Any updates following registration shall include the registration number.



Article 32

*Duty to communicate information down the supply chain
for substances on their own or in preparations
for which a safety data sheet is not required*

1. Any supplier of a substance on its own or in a preparation who does not have to supply a safety data sheet in accordance with Article 31 shall provide the recipient with the following information:
 - (a) the registration number(s) referred to in Article 20(3), if available, for any substances for which information is communicated under points (b), (c) or (d) of this paragraph
 - (b) if the substance is subject to authorisation and details of any authorisation granted or denied under Title VII in this supply chain;
 - (c) details of any restriction imposed under Title VIII;
 - (d) any other available and relevant information about the substance that is necessary to enable appropriate risk management measures to be identified and applied including specific conditions resulting from the application of section 3 of Annex XI.

Regulation (EC) No 1272/2008, Classification, Labelling and Packaging (CLP),

Article 11

Article 11

Cut-off values

1. Where a substance contains another substance, itself classified as hazardous, whether in the form of an identified impurity, additive or individual constituent, this shall be taken into account for the purposes of classification, if the concentration of the identified impurity, additive or individual constituent is equal to, or greater than, the applicable cut-off value in accordance with paragraph 3.

2. Where a mixture contains a substance classified as hazardous, whether as a component or in the form of an identified impurity or additive, this information shall be taken into account for the purposes of classification, if the concentration of that substance is equal to or greater than its cut-off value in accordance with paragraph 3.

3. The cut-off value referred to in paragraphs 1 and 2 shall be determined as set out in section 1.1.2.2 of Annex I.



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European Economic Area (EEA):

The European Economic Area includes the European Union Member States and Iceland, Liechtenstein and Norway.

This information is based on our current level of knowledge and expresses only our intention. It does not constitute a binding obligation. Whilst the information is provided in good faith, no representations or warranties are made with regards to its completeness or accuracy and no liability will be accepted for damages of any nature whatsoever resulting from the use of or reliance on the information.

As we cannot be aware of all aspects of your business and the impact REACH Regulation may have on your company, we strongly encourage you to get familiar with REACH, its requirements and timelines.

DuPont has no intention to change its product portfolio of polymer offerings due to the introduction of REACH under the condition, that REACH does not impose commercial or technical burden, which could impact the health of our business. However, since DuPont depends on its suppliers, DuPont is not in full control of this decision. Based on industry assessments, it is likely that a certain number of chemicals will no longer be available to the European market. This may necessitate product reformulation, and subsequent product / article re-qualification, or, in more critical cases, to a complete product change.

For your information, please see also the REACH web site of the EU commission:
http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm