Notice for „no-longer polymer“ (NLP) manufacturers/importers

The Commission would like to draw the attention of „no-longer polymer“ manufacturers or importers to the fact that 
the second corrigendum of Article 3(20)(c) REACH Regulation will be adopted soon by the EP and the Council. The second corrigendum will, however, not be published before 1 December 2008 in the Official Journal of the EU due to time constraints. The EP and the Council, however, agree on the urgent need of the second corrigendum (for the position in the Council see the Council document No.15240/08 of 6 November 2008).

The aim of the second corrigendum is to correct a mistake which appears in the first corrigendum of Article 3(20)(c) as published in OJ L 141, 31.5.2008, p. 22. This first corrigendum unintentionally modified the scope of the phase-in substance definition of no-longer polymers.

The second corrigendum re-establishes the phase-in definition for substance which meets the following criteria:

- the substance was placed on the market in the Community, or in the countries subsequently acceding to the EU, by the manufacturer or importer before the entry into force of REACH Regulation (i.e. before 1 June 2007), and
- the substance was considered as having been notified in accordance with the first indent of Article 8(1) of Directive 67/548/EEC in the version of Article 8(1) resulting from the amendment effected by Directive 79/831/EEC (which implies that substance was placed on the market by any manufacturer or importer between 18 September 1981 and 31 October 1993 inclusive), but does not meet the definition of a polymer as set out in REACH Regulation, and
- the manufacturer or importer has documentary evidence of the fulfilment of previous conditions

The presence of a substance on the NLP list is considered sufficient to demonstrate that the substance was placed on the market between 18 September 1981 and 31 October 1993 inclusive1.

The Commission would therefore invite manufacturers or importers of no-longer polymers, who fulfil the above mentioned criteria, to pre-register their substance by the end of the pre-registration deadline (by 1 December 2008) under Article 28 of the REACH Regulation in order to benefit from the extended registration deadlines.

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1 http://ecb.jrc.it/DOCUMENTS/New-Chemicals/NO_LONGER_POLYMERS/NLP_list.pdf