4. KEY INFORMATION

4.1. Placing on the market

Placing a substance or mixture on the market under the CLP Regulation means to make it physically available to third parties, whether in return for payment or free of charge. Also, importing from non-EU countries into the EU customs territory is considered as placing on the market. Placing on the market would include the situation where a substance or mixture is sent from a company or research institute to a laboratory with a different legal entity.

In relation to notification, placing on the market is a pre-condition: A substance which is referred to in Article 39 of the CLP Regulation should be notified only in cases where it is placed on the market. Nevertheless, notification is not needed if the information required under the CLP Regulation Article 40 has already been provided as part of a previous registration or notification by the same notifier.

As to the date when notification is due, this depends on the date when the substance is actively placed on the market. When a substance is placed on the market on or after 1 December 2010, it must be notified to the Classification & Labelling Inventory within 1 month of placing it on the market, e.g. the notification deadline is 3 January 2011, applying to substances placed on the market on 1, 2 or 3 December 2010. If a substance is placed on the market before 1 December 2010, e.g. on 10 October 2010, and placing on the market is done again on 17 January 2011, then notification will be due on 17 February 2011.

Substances that are in stock on 1 December 2010 are not considered to be placed on the market on that day, and they will not have to be notified by 3 January 2011. They will only have to be notified, within 1 month, if they are (*again*) placed on the market by their manufacturer or importer later on. A **distributor** who takes substances off the shelves where they have been stored for a while, in order to sell them to others, will **not have to notify,** as this obligation is **only** on **manufacturers** and **importers**.

4.2. Group of manufacturers or importers

The classification and labelling notification of a substance can be made by a group of manufacturers or importers. A group of manufacturers or importers can, for instance, be:

- a corporate company with different legal entities;
- several companies that have no specific links between each other;
- several companies from one specific industry sector; or
- a substance information exchange forum (SIEF)

In cases where a notification is done by a group, only one classification and labelling notification will be submitted on behalf of all group members. To this end, the group

members should agree on the classification and labelling of the respective substance[10].

If the classification and labelling notification is submitted on behalf of a group, this shall be indicated in REACH-IT. For more details you should consult the Industry User Manual "IUM part 15: Manage your group of manufacturers or importers".

The members of a group are recommended to document fully their agreement, and the basis on which classification decisions have been made. On request, they have to make available to ECHA, to the competent authorities and to the relevant enforcement authorities of the Member States all the information used for the purposes of classification and labelling under the CLP Regulation.

When a group of manufacturers and/or importers cooperate in this way, each member shall remain fully responsible for the classification, labelling and packaging of substances and mixtures he places on the market, and for meeting any other requirements of the CLP Regulation.

4.3. Substance identification essentials

You have to identify your substance as specified in sections 2.1 to 2.3.4 of Annex VI to the REACH Regulation. The substance definitions in the CLP and REACH Regulations are identical although less information is required for the classification and labelling notification compared to the registration. The substance definition also corresponds to the definition of a substance in the 7th Amendment to the Dangerous Substances Directive[11]. The definition goes beyond a pure chemical compound defined by a single molecule. **It is recommended that all prospective notifiers consult the**

Guidance for identification and naming of substances under REACH

see the links to related material in chapter 5 of this document.

The approach to identify a substance depends on the substance type. Substances can be divided into two main groups:

A. **'Well defined substances'**: Substances with a defined qualitative and quantitative composition that can be sufficiently identified based on the identification information required by section 2 of Annex VI to the REACH Regulation. 'Well defined substances' are sub-divided as follows:
    a) ***Mono-constituent substances,*** i.e., as a general rule, substances in which one constituent is present at a concentration of at least 80% (w/w); the remaining 20% are regarded as impurities / additives.
    b) ***Multi-constituent substances,*** i.e., as a general rule, substances consisting of several main constituents present at concentrations ≥10% and <80 % (w/w). All constituents present <10% are regarded as impurities.
    c) ***Substances defined by more than the chemical composition***, i.e. substances defined as mono- or multi-constituent substances but require additional parameters in order to identify the substance

[10] In this context substances can be considered to be the same if the main constituents are the same and the substance has the same EC number or CAS number or IUPAC name. See further information in the *Guidance for identification and naming of substances under REACH.*
[11] Directive 92/32/EEC amending Directive 67/548/EEC.