Key dates from the Downstream User's Guidelines for REACH

Bold text indicates a clear legal obligation or the high expectation of due diligence from the regulator

Date	Activity	Downstream User in EU buying and supplying ARTICLES: obligations and actions	US implication – when purchasing ARTICLES from EU	US implication – when selling ARTICLES to EU
From 1 June 2007	if an article contains a substance identified according to Article 59.1 (i.e. on the candidate list – note this is currently blank), the supplier **must** inform the customer of the name of the substance and how to handle it safely. The information **must** also be provided free to end-users on request.	**Inform** the customer of the name of the substance and how to handle it safely. **Request** the information from suppliers of subsidiary articles in order to do this for the whole article. Information exchange will be assisted by SAE International Declarable Substances Standard AS 9535 / ARP 9536.	Suppliers in the EU will provide this information to you. If you do not follow the safe use information, this could lead to issues when defending against a claim.	EU Customers **must** request this information from you for your article. You will need to cascade the information request down your supply chain for subsidiary articles. Again, the Declarable Substances Standard and international work on REACH IT to deal with this will help, given time.
From 1 June 2011	Producers or importers of articles **must notify** the Chemicals Agency if an article contains a substance identified according to Article 59.1 (i.e. on the candidate list) above a concentration of 0.1%	**Notify** the Agency if you produce an article containing more than 0.1% of a substance which is on the candidate list and which has not been registered for that use, and the quantity of substance is over 1 tonne per year		The importer will have this legal obligation and will need the information from you to do it. The importer **should** ask for the information.

Date	Activity	Downstream User in EU: obligations and actions	US implication – when purchasing substances / preparations from EU	US implication – when selling substances / preparations to EU
From 1 June 2007	Suppliers **must** provide a safety data sheet (MSDS) compiled in accordance with Annex II of REACH, which may include an exposure scenario. Suppliers must update their safety data sheets as soon as new information on risk management measures or on hazards becomes available to the suppliers.	DU will need to identify, apply, and if DU is supplying, recommend measures to control risks. If exposure scenarios are attached DU's use conditions should be according to the conditions described. If not, DU must decide what action to take (see section 3.3 of the guidance). Downstream users **must** apply the appropriate conditions in the safety data sheet within 12 month after receiving the registration number of a substance.	EU supplied substances and preparations will start having Risk Management Measures stipulated on them. US companies are not bound by EU law, but if a lawsuit arises, and these risk management measures relating to the exposure scenarios given in the MSDS were not applied, and there was no justification to prove that the actual measures were better than those stipulated, the defence will be very difficult.	IF you decide to act as an 'only representative' for sales into the EU, then you **have to** produce EU materials safety data sheets that are in this format and comply with this.
From 1 June 2008	Manufacturers and importers **must** register non phase-in substances or not pre-registered phase-in substances	DUs **should** contact suppliers before this date to ask whether substances that the DU uses are phase-in substances and will be pre-registered (see section 3.4 of the guide)	The continued production of some EU sourced substances will stop if they are not phase-in substances, and they have not been registered under the NONS regulation. Phase-in EINECs substances may be lost because the EU manufacturer decides it is no longer cost effective to continue production, because of the cost of registration. Therefore it is wise for US companies to also contact suppliers as for DUs, purely as a business risk management exercise.	EU customers **must** ask whether you intend to act as 'only representative'. If you do not, you are likely to suffer a loss of sales in the EU. Additionally, companies that continue to purchase, **must** to know the detailed formulation (in case any substance exceeds 1 tonne) to be able to register. If you refuse to tell them (under a non-disclosure agreement), they **must** find out the composition via testing.

Date	Activity	Downstream User in EU: obligations and actions	US implication – when purchasing substances / preparations from EU	US implication – when selling substances / preparations to EU
1 Dec 2008	Manufacturers and importers to **complete** pre-registration of phase-in substances	Contact suppliers **to check** whether phase-in substances that you use have been pre-registered (see section 3.3 and 2.3 of the guide)	Again, the continued production of some EU sourced substances will stop, therefore it is wise for US companies to also contact suppliers as for DUs, purely as a business risk management exercise.	EU customers **must** ask whether you intend to act as 'only representative'. If you do not, you are likely to suffer a loss of sales in the EU. Additionally, companies that continue to purchase, **must** to know the detailed formulation (in case any substance exceeds 1 tonne) to be able to register. If you refuse to tell them (under a non-disclosure agreement), they **must** find out the composition via testing.
1 Jan 2009	The Chemicals Agency **will** publish a list of pre-registered substances on its web site.	Check whether substances that the DU uses are included on the list. If not, DU may inform the European Chemicals Agency of their interest in the substance (see section 3.3)	Non EU companies may also be able to express an interest in continued export from EU, if the current supply chain looks high risk.	

Date	Activity	Downstream User in EU: obligations and actions	US implication – when purchasing substances / preparations from EU	US implication – when selling substances / preparations to EU
From 1 Jan 2009	All potential registrants who have pre-registered will become part of a Substance Information Exchange Forum	DUs may participate in a forum for a substance you use, if you wish to contribute data for the purpose of registration (see the Guidance on data sharing). DUs may also send 'use' information (including exposure data) to the supplier who is partipating in the SIEF or to the SIEF directly. If there are distributors or formulators between the registrant and the DU in the supply chain, they are obliged to pass the information on to the company that needs it.	You may be able to participate in the same way as an EU DU, if you have data to sell to the SIEF.	If you are an only representative, you will participate in the SIEF. A US person can actually attend, but the legal entity they are representing is the EU based 'only representative' acting on your behalf. If you do not act as only representative, each of your customers in the EU who import each substance from your formulation at > 1 T must participate. Each will act independently except for animal test data, and will each ask you for data to assist with their Chemical Safety Reports.
1 June 2009 and every June going for-ward	The Chemicals Agency will make its first recommendations for substances to be included in Annex XIV. The candidate list will be available before this date, probably in the second half of 2008. The list Candidate List will get longer every year, in June	Check the list to see if you use any of the substances on the list. If so, contact your supplier as a priority (see section 3.6). Suppliers can apply for authorizations which cover the use of the substance by their customers. Trade bodies for sectors can group together to get authorizations specific to their sector. Individual companies can apply for their own authorization covering their immediate suppliers and immediate customers. DUs **shall** ensure that Annex XIV	Continued use of 'SVHCs' on the candidate list and in particular 'SVHCs' on Annex XIV or Annex XVII, particularly when purchased from the EU, could lead to difficult defence of litigation arising from occupational health related claims pertaining to the substance. There is likely to be cascading regulation, where the EU regulates substances already heavily regulated in the US and Canada, and conversely the US / Canada copy the EU. The GHS will make this even more likely, and will make this a global	Where you supply SVHCs into the EU, you will find that customers will migrate to safer alternatives whenever they can: the intention is to remove your product from the market, so exit strategies and alternative product offerings need to be developed. Where your substance / preparation contains SVHCs on Annex XIV, you may need to assist customers with gathering information and evidence for the Authorisation or risk losing the market completely at the 'sunset date'.

Date	Activity	Downstream User in EU: obligations and actions	US implication – when purchasing substances / preparations from EU	US implication – when selling substances / preparations to EU
		substances being used beyond their 'sunset date', are covered by a specific authorization for their particular use	phenomenon with time.	
30 Nov 2010 For DUs: End 2008	Substances produced/imported in volumes over 1000 t/y, CMR category 1 and 2 substances in amounts of 1 t/y or more, and substances classified as R50/53 in amounts of 100 t/y or more must be registered by their manufacturers/importers Note that GHS changes the substances covered by the SVHC definition of REACH.	Contact suppliers of any such substances that you use, as a priority, to make sure that they are aware of your use and are able to include it in their registration dossier (see section 3.6) Suppliers will need the information BY END 2008.	You can also send 'use' information into the system, but there is no obligation to consider this from non EU companies. This could be addressed by trade associations gathering generic use information for a sector and providing that to ensure common sectorial uses are considered. Suppliers will need the information BY END 2008.	If you are only representative, you will have to collate this data from customers. You will need to ask for the information and require distributors, agents and stockists to pass the information request on to their customers. You will need to include the uses and their exposure scenarios in your CSR, or justify why not. If you are not only representative, your customers who are in the SIEF will ask for information from you to assist them with the exposure scenarios.
31 May 2013	All other substances produced/imported in amounts of 100 tonnes per year or more must be registered by manufacturers/importers	Contact suppliers of any such substances that you use, to make sure that they are aware of your use and able to include it in their registration dossier (see section 3.6) Suppliers will need the information BY END 2010. You will not know which tonnage band they fall in – so it is best to aim to do this by END 2008.	As above	As above

Date	Activity	Downstream User in EU: obligations and actions	US implication – when purchasing substances / preparations from EU	US implication – when selling substances / preparations to EU
first delivery after 1 June 2013 0r 2018	Manufacturers/importers must provide a revised safety date sheet, which may include an exposure scenario, after the first supply following the appropriate registration date.	Check that your use of the substance is included. If not, you must decide what action to take (see section 3.3)	If your use is not included, you may want to work together with the trade association (for common uses) to rectify this. There are unlikely to be significant adverse consequences to this, unless the US decides to implement very similar regulations.	Only representative: this duty falls on you. You can ensure future market opportunities are tested within the SIEF. Not only representative: aside from existing customers who have participated in SIEFs, you cannot extend your market in Europe into new uses, without repeating the registration exercise with an only representative, or a customer willing to bear the additional costs.
31 May 2018	All other substances produced/imported in amounts of 1 tonnes per year or more must be registered by manufacturers/importers	Contact suppliers of any such substances that you use, to make sure that they are aware of your use and able to include it in their registration dossier (see section 3.6) Suppliers will need the information BY END 2012. You will not know which tonnage band they fall in – so it is best to aim to do this by END 2008.	You can also send 'use' information into the system, but there is no obligation to consider this from non EU companies. This could be addressed by trade associations gathering generic use information for a sector and providing that to ensure common sectorial uses are considered. Suppliers will need the information BY END 2008.	If you are only representative, you will have to collate this data from customers. You will need to ask for the information and require distributors, agents and stockists to pass the information request on to their customers. You will need to include the uses and their exposure scenarios in your CSR, or justify why not. If you are not only representative, your customers who are in the SIEF will ask for information from you to assist them with the exposure scenarios.