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# Specificities of Regulation (EU) No 649/2012

*PIC Uredba, radionica*

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**E D E X I M**

European Database  
on Export and Import  
of Dangerous Chemicals

Croatian Chamber of Economy

*Hrvatska Gospodarska Komora, Zagreb: 23 Juli 2013*

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- ❖ it is a recast of the EU Regulation on the export and import of hazardous chemicals
- ❖ it starts to apply from 1<sup>st</sup> March 2014
- ❖ until 1<sup>st</sup> March 2014, all of the arrangements under the Regulation (EC) No 689/2008 continue to apply

## **In the interest of clarity, the recast Regulation:**

- ✓ **Consolidates the list of chemicals from all six (out of seven) amendments;**
- ✓ **Refers to the European Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of substances and mixtures;**
- ✓ **Takes account of procedural changes introduced by the Lisbon treaty;**
- ✓ **Provides for the transfer of technical aspects of operation of the Regulation, currently carried out by the JRC, to ECHA: see Article 6 'Tasks of the Agency';**
- ✓ **Introduces the word 'mixture', substituting 'preparation' to avoid inconsistency and to harmonise with CLP;**

## Article 2(3): 'Scope'

Exporters of chemicals:

- for the **purpose of research or analysis**
- in **quantities** that are unlikely to affect human health or the environment and that in any event **do not exceed 10 kg**
- **from** each exporter
- **to each** importing country

**shall obtain a special RIN** and provide that RIN in their export declaration.

## Article 8(2): 'Export notifications forwarded to Parties and other countries'

When an exporter is due to export a chemical ... **for the first time on ...**, the exporter shall notify its DNA, no later than **35 days** before the expected date of export.

Thereafter the exporter shall notify its DNA of the **first export** of the chemical **each calendar year** no later than **35 days** before the expected date of export.

## Article 8(2): 'Export notifications forwarded to Parties and other countries' *Cont'd*

The DNA shall compliance of the information with Annex II and if the notification is complete **forward** it to the Agency no later than **25 days** before the expected date of export.

## Article 8(2): 'Export notifications forwarded to Parties and other countries' *Cont'd*

The Agency shall, on behalf of the Commission, transmit the notification to the DNA of the importing Party ... and take the measures necessary to ensure that they receive that notification no later than **15 days** before the **first intended export** of the chemical

and thereafter no later than **15 days** before the first export in **any subsequent calendar year.**

The recast Regulation provides for **additional conditions** that may allow exports to proceed in the absence of a reply from the importing country whilst not lowering the protection afforded to importing countries.

## Article 14(7): 'Obligations in relation to export of chemicals other than export notification'

In the case of chemicals listed in Part 2 or 3 of Annex I, the DNA may, in consultation with the Commission assisted by the Agency, ..., decide that the export may proceed, if no evidence from official sources of final regulatory action to ban or severely restrict the use of the chemical taken by the importing Party, after all reasonable efforts,

## Article 14(7): 'Obligations in relation to export of chemicals other than export notification' *Cont'd*

no response to a request for explicit consent ... has been received within 60 days and where one of the following conditions is met:

- a. there is evidence from official sources in the importing Party ... that the chemical is licensed, registered or authorised; or
- b. the intended use ..., is not in a category for which the chemical is listed in Part 2 or 3 of Annex I, and there is evidence from official sources that the chemical has in the last five years been used in or imported into the importing Party ....

## Article 14(7): 'Obligations in relation to export of chemicals other than export notification' *Cont'd*

In the case of chemicals listed in Part 3 of Annex I, as export based on the fulfilment of the condition under point **b**, may not proceed if the chemical has been classified in accordance with Regulation (EC) No 1272/2008 as carcinogenic category 1A or 1B, or mutagenic category 1A or 1B, or toxic for reproduction category 1A or 1B **or** the chemical fulfils the criteria of Annex XIII to Regulation (EC) No 1907/2006 for being **persistent, bioaccumulative and toxic or very persistent and very bioaccumulative**.

## In the recast Regulation:

- ❖ exporter informs its DNA, during the first quarter of each year, the quantity of the chemical, as a substance and as contained in mixtures or in articles, shipped to each Party ... during the preceding year (Article 10 reports instead of 9)
- ❖ there are 31 Articles (instead of 26)