

## Customs Flash

### News you can count on



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#### Changes in REACH legislation

On 21 March 2013 the European Commission published a Commission Implementing Regulation amending the REACH regulation on fees. This amendment should also reduce the administrative burden of micro, small and medium-sized enterprises.

For legal certainty, the European Commission clarifies the consequences of late payments to the REACH agency. It is stated that payments paid to the agency before rejection of a submission can't be refunded. Fees paid after a rejection should be refunded as undue payments by the Agency.

For updates of registrations concerning confidentiality claims however, the fees should be applied consistently regardless of when the request is made. With respect to updates of registration other than tonnage bands, a possibility is provided for registrants to request for an extension of the second deadline for payment of the corresponding fee.

Micro, small and medium sized enterprises experience administrative burden and practical challenges to comply with REACH legislation. Therefore the European Commission has decided to further reduce fees and charges applicable to these enterprises. The REACH agency may request evidence that enterprises comply with the conditions for a reduction of fees or charges in order to verify if these conditions are met.

#### What does it mean for you?

This adjustment applies for companies which need to register their chemicals/substances with the European Chemicals Agency. Submissions of registration of chemicals after 22 March 2013 will have to take into account the new fees and charges.

#### What to do?

In the 'Related links' section of this Customs Flash, you can find the link to the adjusted Regulation. By checking if the aforementioned changes apply for your company, you can find the adjustments in the Annexes of this regulation. This Regulation does not apply for valid submissions done before or on 22 March 2013. Of course you are welcome to contact us if you need any assistance.

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