



20 June 2018

(18-3885)

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Committee on Technical Barriers to Trade

Original: English

## KOREA – REGULATION ON REGISTRATION AND EVALUATION OF CHEMICAL MATERIAL

### STATEMENT BY THE UNITED STATES TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE 20 AND 21 JUNE 2018

The following communication, dated 20 June 2018, is being circulated at the request of the delegation of the United States.

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1. Thank you for your 11 June TBT notification of the Revised version of the Enforcement Decree and the Revised version of the Enforcement Rules of the Act on Registration and Evaluation, etc. of Chemical Substances. We ask you to take all comments received into serious consideration, and to all issue English-language translations and guidance.
  2. While we appreciate the grace periods announced in your 11 June notice, we nonetheless ask you to consider pushing out the implementation date of 1 January 2019 to give companies adequate time to prepare, as we are still waiting on formal notification and publication of the implementing guidelines.
  3. We thank you for eliminating the annual reporting requirement, but still have concerns about reported features such as: possible penalties for the non-registration of substances of up to 5% of the gross sales of the entire company; required registration for all substances with the potential to cause serious danger to human health or the environment; and required registration for substances where the total annual volume on the market is one ton or above (or 100 kgs or above for new substances).
  4. A particular concern is that AREC's polymer requirements do not correspond to the requirements of the Korea Industrial Safety & Health Act (ISHA). In this respect, we ask for careful consideration of the March 6 and 19 March US chemicals industry letters sent to the Ministry of Employment and Labor as well as the Ministry of Environment.
  5. To address the confusion and uncertainty that have made compliance so challenging up to now – particularly in light of various Korean announcements and amendments in recent weeks - we again strongly encourage you to issue English translations and comprehensive guidance in English for all industry stakeholders.
  6. We remind you that while Korea has said that companies can apply to the Ministry of Environment for confidential treatment of some information, US industry reports that Korea is denying most CBI claims. We have also received reports that the AREC/CCA joint registration is not working very well, and note your bilateral request for more information on CBI claims.
  7. We are also concerned about MOE's recent proposal for amendments to the Chemical Control Act and Presidential decrees to introduce a mandatory tracking and reporting system for chemicals from import, to manufacturing and end-use. These would impose a heavy new burden, particularly on non-Korean firms, as well impose inappropriate CBI disclosure requirements. Per our TBT inquiry, we ask you to notify this proposal, as well as issue English-language guidance and translations.

8. We also note MOE's release on 30 May of K-REACH draft implementation rules that, among other things, require companies by 30 June 2019 to 'pre-report' the substances they manufacture or import, or face being banned from the market. We ask you to notify this announcement, take industry comments into consideration, issue the guidance in English, and consider a longer implementation period.

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