



What makes a foundry an importer under REACH?

Any foundry that purchases a substance made in a non-EU country or, in other words, causes it to be imported into the EU will be classified as an importer.

A foundry will be considered an importer if it causes a substance to be imported by, for instance, ordering it from a non-EU country (including Switzerland).

As a general rule, foundries will purchase their raw materials and expendables from dealers, so that no direct importation is involved. Normally, the direct import question can be resolved by looking at the conditions of delivery and payment agreed between a foundry and its supplier: if any imports are involved, both parties will naturally want to share between them the expenditures and risks (customs duties, insurance) which attend any commercial transaction that crosses the borders of the EU. Further clues to importation include border taxes such as turnover taxes on imports and import duties as well as the bills of trade that are always required for customs clearance and are submitted to the importer by his supplier (exclusive of foreign turnover tax). Moreover, any import weighing more than 1 tonne must be accompanied by a written import declaration, another indicator of importation.

Whenever an import is handled by a small dealer or broker, it is recommended to check whether he is in a position to comply with his obligations under REACH.