

As of 1 January 2016, all companies importing, producing or distributing chemical substances that are considered as “nanomaterials” under the applicable Belgian legislation must register such materials in a public register. The substances covered by the Belgian legislation are manufactured nanomaterials containing nanoparticles whose size is in the 1-100 nanometers range. In addition, companies are obliged to inform their Committee for Protection and Prevention at Work (CPPW) of such registration.

Which companies are involved?

All companies importing, producing or distributing chemical “substances” and “products” fall within the remit of the Belgian register. Not all the chemical substances are considered to be nanomaterials by the Belgian legislation, but any company involved in the purchase or sale of chemical substances will need to review the legislation in order to determine the relevance of the legislation to their products. Any individual or private entity that is active in R&D is also concerned, regardless of whether they sell their own substances.

Why is 1 January 2016 so important?

As of this date, the relevant companies must declare any chemical substances that, under the Belgian law, are considered nanomaterials and which they have previously produced, imported or distributed for professional purposes. From this date, the relevant companies will also need to register their materials before placing them on the market. Furthermore, as of 1 January 2017, compulsory registration will be extended to mixtures containing nanomaterials and the registration of products containing any form of nanomaterial could also become compulsory from 2018.

How to register in Belgium

The Belgian registration requires companies to submit relevant scientific and commercial information to the National Public Health Instances. Furthermore, the registration requires a juridical justification of confidentiality in respect of any data that contains trade secrets or information which may otherwise be regarded as confidential.

Which penalties can be imposed in the absence of registration?

Penalties for failure to register include prison sentences of up to three years and/or fines of up to €720.00.

Is the registration of nanomaterials relevant for suppliers and customers of the company?

This registration aims the complete chain of the establishment of nanomaterials on the market, but excludes sales to consumers. Each company must also develop relevant coordination and the follow-up mechanisms between its suppliers and its own professional customers, which will include a full review of any contracts currently in place.

Should you have any queries regarding the registration of nanomaterials in Belgium, please feel free to contact Anthony Bochon or Karen Winters.

Contact

Anthony Bochon

T +32 2627 7628

E anthony.bochon@squirepb.com

Karen Winters

T +1 614 365 2750

E karen.winters@squirepb.com