

Guidance on Data Protection and Information Provision under K-REACH



화평법에 따른 자료보호
및 정보제공에 관한 안내서

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Note: The Guidance was written in Korean. The English translation is for reference only. In case of discrepancy the original version in Korean shall prevail.

For the Articles referred to in this Guidance, ChemLinked has updated them according to the latest version of the Act, Enforcement Decree and Enforcement Rule. In case of discrepancy, the latest regulations in Korean shall prevail.

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Notes

- ◆ This Guidance includes procedures and methods of data protection and provision of information on chemical substances under Articles 29, 30 and 45 of the Act on Registration and Evaluation of Chemical Substances (K-REACH).
- ◆ This Guidance has no legal effect, but is a technical reference to general methods of data protection and information provision. However, preparation methods for detailed items in legal formats are excluded from this Guidance, since those are also specified in National Institute of Environmental Research's (NIER) Guidelines on How to Prepare Information on Chemical Substances and Products to Be Provided.
- ◆ This Guidance shall be interpreted and used in comprehensive consideration of matters set forth in the K-REACH, its Enforcement Decree, Enforcement Rule, notifications and other related regulations. In case of discrepancy with applicable laws or regulations, the latter shall prevail.

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1. Overview

1.1. Objectives and composition

It is an international trend to reinforce proactive safety management of chemical substances by requiring companies to produce and provide information on chemical substances before placing them on the market. In South Korea, as the Act on Registration and Evaluation of Chemical Substances (hereinafter referred to as the “Act” or “K-REACH”) came into force from January 1, 2015, companies’ responsibility for producing and providing information on chemical substances was greatly strengthened. In particular, there is a legal basis for sharing information on chemical substances in the supply chain, such as a transferor shall provide safety information on registered chemical substances or mixtures to a transferee and provide interactive information when requested by the transferee.

However, after K-REACH takes effect, concerns over disclosure of trade secrets may be raised due to submission of chemical substances related information produced by companies to the Government and sharing of safety information in the supply chain. Accordingly, institutional means have been established to protect trade secrets at an international level, such as protecting data submitted to the government in principle and keeping confidential the trade secrets when providing safety information in the supply chain.

This Guidance helps to remove uncertainties in the delivery system of chemical substances pursuant to K-REACH, so that safety information of chemical substances can be smoothly produced and shared not only in the supply chain, but also in all sectors of the society, and will not infringe any company’s trade secrets during management process.

This Guidance is composed of four chapters and nine sections regarding the subjects, objects, procedures, methods and other details related to data protection and information provision in the supply chain. Chapter 2 stipulates procedures, methods and objects of data protection pursuant to Article 45 of K-REACH. Chapter 3 stipulates objects, subjects, scope, contents, procedures and methods of information provision in the supply chain. Chapter 4 specifies separately the information on chemical substances and trade secrets.

1.2. Definition

Main terms concerning data protection and information provision under K-REACH is defined in Table 1 as below.

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