

REACH



Prepared by:
WSP Environment & Energy, October 2008



Scandinavia 200 staff, 15 offices. Integrated business, with particular emphasis on energy related issues, land conditions and research into the built and natural environment.

China 10 Staff, 3 offices. Specialist skills in areas including sustainable urban masterplanning, corporate environmental strategy and climate change.

USA: 160 staff, 24 offices. Specialise in producer responsibility, corporate support and soil and groundwater remediation.

UK 600 Staff, 18 Offices. Fully integrated business, offering a full range of services.

Australia 120 staff, 5 offices. Specialist skills include occupational health & safety risk management and online global regulatory tracking.

Topics

- Pre-registration: when, why, who and how?
- Supply Chain Communications
- The Only Representative
- SIEF: How will they operate?
- Exporters to the EU: The challenges



REACH
Pre-registration
1.6. - 1.12. 2008



Pre-registration

REACH Timetable

| | |
|---------------------------|--|
| June 1 st 2007 | REACH Entered into Force |
| June 1 st 2008 | Pre-registration begins |
| Dec 1 st 2008 | Pre-registration finishes |
| Jan 1 st 2009 | List of Pre-registered substances published |
| Q1 2009?? | Candidate list substances published |
| Nov 30 th 2010 | Registration deadline for <ul style="list-style-type: none">• >1000t/annum substances• 'Substances of Very High Concern' |
| May 31 st 2013 | Registration deadline for <ul style="list-style-type: none">• >100t/annum substances |
| May 31 st 2018 | Registration deadline for <ul style="list-style-type: none">• >1t/annum substances |



Pre-registration What to pre-register?

- All substances manufactured or imported in quantities > 1 tonne per year and
 - Listed in EINECS
 - Only exported
 - “No-longer polymers”
- Exemptions: Substances used in food, medicines, radioactive substances, waste, substances on Annex IV & V
- Known as phase-in substances

What can I expect?



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Pre-registration
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Pre-registration What cannot be pre-registered?

- New substances
 - Immediate Registration required
 - Similar process to current Notification process
 - Supply not permitted until after Registration
- Any substance not meeting phase-in criteria

What can I expect?



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Pre-registration
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Pre-registration Why & Who?

- No (pre-) registration, no market
- Reduces the Impact
 - Progressive introduction
 - Sharing Data
 - Exemptions / exceptions
- Who
 - Importers
 - Only Representative of non-EU entity
 - Third party representative

What can I expect?



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Pre-registration
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Pre-registration How?

- Develop your substance inventory
- Build your pre-registration list
- Fill the pre-registration list
 - Details of substance name
 - CAS/EINECS number
 - Volumes
 - Identity of importer or the Only Representative
 - Free text
- Submit pre-registration information to ECHA
 - Online submission
 - REACH IT / IUCLID 5
 - Bulk submission



Pre-Registration

- No fee for pre-registration
- Pre-registration does not compel you to register
- Pre-register through an EU entity – ‘Only Representative’
- Online tool (REACH IT website)
- What information?
- (Pre-)registration is at “legal entity” level
- ‘Only Representative’ must pre-register for “their” supply chain

What can I expect?



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Pre-registration
1. 6. - 1.12. 2008



Supply Chain Communications

Supply Chain Communications

What are your Customers being advised?



- “In practice, you should make sure your supplier is aware of REACH and complies with his requirements. You should obtain a statement confirming that your supplier knows his requirements . . .”
- “It is advisable that you contact your suppliers before pre-registration ends to make sure they will pre-register for substances you are using.”
- “Initial requests for information may be made through industry associations, with more detailed information only sought from individual downstream users later . . .”
- “When contacting a supplier while you are preparing for REACH, a brief general description of your use may be sufficient as a starting point.”
- How should you respond to customer questionnaires?
 - Level of detail should depend on customer’s position
 - Understanding customer’s obligations is key



The 'Only Representative'

Where does a 'Only Representative' come in?

- **Non-EU companies do not have REACH responsibilities**
- However, an Exporter to the EU can appoint an 'Only Representative'
 - Has the power of attorney to act on behalf of the non-EU company to pre-register and register substances
- Must be an EU Legal Entity
 - Natural EU Citizen
 - Legal Person
- Background in:
 - Practicalities of handling substances
 - Information related to substances



'Only Representative' Obligations

- The Only Representative basically fulfils the obligations of the non-EU manufacturer's importers
 - Customers become downstream users as a result
- The Only Representative legally responsible for:
 - Pre-registration,
 - SIEF participation
 - Registration activities
 - Communication with supply chain
- 'OR' obliged to hold information on and update:
 - Quantities imported
 - Customers supplied
 - Safety Data Sheet and supply latest version

What can I expect?



'Only Representative' Pros and Cons

- There may be competitive advantages to appointing an Only Representative for the Exporter to the EU
 - Customers (importers) no longer have registration obligations
 - Ensures continued, uninterrupted sales of products to the EU
 - New customers for existing use can be supplied immediately
 - Greater control over the (pre-) registration & dossier preparation
- Disadvantages
 - Cost of 'OR' service provision
 - SIEF participation
 - Data & Dossier generation
 - Registration fee

What can I expect?



What if you leave it to your Customers?

- Where Non-EU companies decide NOT to appoint an Only Representative they will have to reveal the identities and concentrations of ALL the ingredients in:
 - Preparations
 - Preparations intentionally released from articles
 - Preparations in special containers

To their EU importers so that the EU importers can determine if they have registration obligations

EU importers may decide not to register the substances and cease trading in the product with the non-EU company

No (pre-) registration, no market



Only Representative – Key Risks

- OR ceases to exist
- OR is not sufficiently competent to manage obligation



Only Representative – Qualities

- EU Based
- Solid contract base
- Technically competent
- Needs to be able to work in SIEFs
- Has access to key experts
- Has the facility to liaise well with downstream users





REACH

Post Pre-registration

Post Pre-registration Pre-SIEF

- ECHA publishes list of pre-registered substances
- REACH-IT brings registration of the same identifier together
- Industry agrees 'sameness' of substance
- SIEF formation and operation rules agreed

What can I expect?





SIEF Basic Elements

■ Potential Participants

- Only representatives, downstream users, importers and third parties who have submitted ‘pre-registration’ information to the Agency for the same substance.

■ Aims

- to exchange data
- to agree on Classification & Labelling
- Generate “new” data
- (indirectly) prepare for the Joint submission

Post Pre-registration A SIEF is born!

- Prepare for Data Sharing
 - One of the 1st steps following set-up of the SIEF
 - Legal requirement to inform other pre-registrants in the SIEF of data you have available
- Decide on representation strategy
- Communicate with your downstream supply chain
 - Understand uses
 - Obtain information on exposure scenarios
- Prepare for registration



Will they work?

SIEF

- No known rules of engagement
- No agreed single cost sharing model

Consortia

- Joining fee
- Who can join?
- Who manages the consortia?
- Protection of CBI



REACH

What should I focus on over next 18 months?



- Develop a REACH Strategy for the business
- Make an Inventory of substances to be exported
- Identify substances which will require registration by your EU customers
- Communicate with your EU customers to see how their needs can be met
 - Appoint an Only Representative
 - Support Only Representative to:
 - Assemble information needed for pre-registration
 - Pre-register
 - Identify information requirements
 - Substance Information Exchange Forum activities
 - Registration preparation
- Plan for the future

Exporters to EU



■ No legal obligations under REACH

■ Main challenges are:

- Clear REACH business strategy
- Dealing with customer requests for information, e.g.
 - Substances in products
 - EU Compliant Safety Data sheets
 - Substitution plans for SVHC
- Maintaining continuity of supply into the EEA

REACH

Where WSPE&E brings added value



- REACH Strategy for the business
 - We have worked with Major multinational companies to develop strategies which benefit the business as a whole
- Identify substances which will require registration
 - We have proprietary vulnerability assessment tool
- Pre-registration & Representative Services
 - **We provide Only Representative & 3rd Party service**
 - If you have an EU entity but need technical support
 - Technical Dossier preparation
- Supply Chain Communication
 - Training key staff in how to respond to REACH
 - Support in responding to REACH questionnaires
 - Classification and Labelling of products