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1. The following examples show how the supply chain provision in relation to polymers/monomers works.
2. An EU manufacturer of monomers is obliged to register the monomer substances he manufactures (let us suppose that he manufactures monomers A, B and C). He then exports those to an American manufacturer of polymers, who combines A, B and C with other monomers manufactured and supplied in the USA (D, E and F) to make a polymer. The American manufacturer is not himself obliged to make any registrations in the EU. If an importer established in the EU wants to import the polymer manufactured by that American polymer manufacturer, he must register all the constituent monomers not already registered by an actor in the chain of supply leading from the manufacture of a constituent monomer to the importation of the resulting polymer. As the EU manufacturer of monomers in the supply chain has already registered A, B and C, there is no need for the importer to register them again. However, the importer is obliged to register D, E and F as these have not already been registered by an actor in the supply chain.
3. Now let us suppose that the American manufacturer stops using the EU manufacturer of monomers A, B and C, sourcing them instead from an American supplier to produce the same polymer. The EU importer of that polymer will now need to undertake his own registration of A, B and C as he can no longer “piggyback” on the registration of the EU monomer manufacturer. That manufacturer is no longer participating in the supply chain, so there is no actor in that supply chain who has already registered A, B and C.

4. To illustrate further how the supply chain provision works, we can also suppose that the same importer stops using the American manufacturer altogether and starts importing a polymer made by a Chinese manufacturer, who uses monomers manufactured and supplied in China. If those monomers are A, B, C, D, E and F, there is no need for the EU importer to register them again: he is active in the supply chain and he has already registered those substances when he was importing the American polymers. The fact that his source of the substances has changed is irrelevant, so long as the substances are the same. He has already registered them and is not trying to “piggyback” on a registration from someone outside his supply chain.

5. The above is simply the common sense interpretation of the supply chains provision. It accords with the explanation provided by the EC Commission¹. This means that a manufacturer or importer who has expended time and energy on registration of a monomer is commercially attractive: the supply chain in which he participates can benefit from his registration. If other supply chains, with no participating registrant, could piggy back on the registration, the competitive advantage of registration would be lost and free-riding would be rife.

¹ See the letter of the EC Commission of 23 April 2007 at page 1001 of Annexe 11 to the Grounds.