



Conclusions of SIEF Workshop

30/03/09





Disclaimer

The conclusions of the SIEF Workshop as discussed with the participants at the end of the Workshop are not binding ECHA and the Commission.

SFF blocking or not reacting



- **ECHA cannot ‘de-block’ the SFF box** in REACH-IT. ECHA has no legal basis to do so and no means to evaluate any allegations made
- **Document actions taken** to contact the SFF e.g. write registered letter and include a deadline for reaction. The SFF can be by-passed after such deadline
- If SFF continues not to react, it **can be by-passed** outside REACH-IT
- Consortia & SIEFs are encouraged to **communicate** these decisions publicly
- Individual companies are advised to include the ‘new’ LR identification in the **comments field in REACH-IT**

SIEF members not responding



- No reply means **dormant status** -> **no further systematic individual contact needed**
- **Document 'efforts'** to contact all members, give everyone possibility to get information and upgrade their categories at later stage
- It is strongly advised to have **general communication / progress report to entire SIEF**. These reports can be burdensome and can be done e.g. via reference to consortia website
- Some companies may have indicated a **wrong email** in the REACH-IT: keep error message back to justify why they were not contacted
- **Check spam!**: consider communication to warn companies to check junk mail folder

Misuse of (pre-)-registration numbers



- **Pre-registration numbers cannot be sold**
- **'Faking' (pre-)registration numbers is an enforcement issue**
- To be raised by companies or industry associations at the Forum or with individual Member States Competent Authorities



Nobody taking initiative in SIEF

- Cefic advises its members to **take on the SFF role** themselves or discuss among major players who should do it
- Major DUs to contact their suppliers and encourage them to take on SFF role and kick-start discussions
- ECHA will consider publication of **list of substances due in 2010 with no SFF/LR** yet
- In some SIEFs, there is **no interest in registration** e.g. Hg case
 - Only recyclers: at least one should register to have all exempted. Cost of registration can be shared through e.g. association
 - In some SIEFs, DUs have taken the initiative to send out the SIEF survey



Multiple LR per substance

- The REACH Regulation foresees **only one Joint Submission (JS) per substance. More than one LR/JS per substance should therefore be avoided.**
- Document **efforts to talk with other groups** and reach agreement
- Potential **violation of data sharing obligations**: issue for courts and **enforcement**
- One JS including different CSR is always possible
- **Functional mailbox** at ECHA to notify LR nominations: only purpose to anticipate no. of joint submission. ECHA will take no decision on who is the lead if more than one is notified.

SIEF Timing



- Manual with **business rules** and later the **Technical Completeness check** (TCC) will be available (Q42009). This will help companies to submit ‘correct’ dossiers
- Reminder: Registrants can continue to manufacture or import during the periods in **article 21#1**
- Some **tests will not be finished on time**, how to deal with this?. This issue was not in scope of this workshop and will be dealt with in another workshop
- **Submissions of the JS members before the deadline** are valid as long as LR is complete

SIEF Timing (cont.)



- **Suggestions** made by industry:
 - to allow JS members to submit right after LR submits without waiting for completion
 - Only LR dossier submitted before the deadline, the others beyond.
- ECHA and Commission will examine whether there are any possibilities to make this process more flexible while respecting the requirements imposed by the Regulation



Split/Merge/Change

- **Change of SIEF:**

- Current process has communication issues: an alternative will be difficult for ECHA to implement
- Enforcement: mismatch pre-registration – registration. Intention to do some cross-check. Shall Pre-registration # be indicated in registration dossier? Justification could be added.

- **SIEF splits** -> two SIEFs can refer to same EINECs # but substances covered have to be different

- **SIEF merges** -> one of the EINECs will not be included in some registrations. Possible impact in compliance with other legislation? (Commission will check) It is advised to inform ECHA in case of merges (ECHA will indicate how)

Always document justification why SIEFs are merged or splitted 10



Registration deadline

- Some reg. deadlines in REACH-IT are different from current market reality
- **Documented request** must be done to companies (e.g. letter explaining that the registration is foreseen for a later deadline than the one indicated). If no reply, it is assumed that no real interest in registering earlier (e.g. by 2010)
- **ECHA will not provide information on tonnage bands** upon request



Relation early registrant - JS

- Some company(ies) can submit an early registration and a JS can be submitted later
- The **early registrant will have to update** his early registration after the JS (in order to comply with JS obligation) **or to justify opt-out** (most likely due to disproportionately costly)



Transfer of LR status

- In case of change of LR in a JS, the SIEF **needs to appoint a new LR**
- **Transfer of ownership** of data / dossier / responsibilities must be arranged among SIEF members

Opt-out



- Opt-out will most likely be the **exemption**
- It **needs justification** for each type of information
- **'Partial' opt-out** triggers **all the consequences** of opt-out
- Justifications will be analysed on case-by-case basis
- More details will be given by ECHA & Commission



Published data

- **Published data cannot be used for free** for REACH registration purposes **in all cases** and under all circumstances
- **National** (or eventually **international**) **copyright provisions** must be respected
- If the content of the article is used, in a different form, it may be possible to use
- National provisions must always be checked
- Update of picklists in IUCLID5 (reference to ‘published data’) could be useful