

Messages to communicate in the supply chain

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Although the below communication aims to answer the majority of questions from customers. Cefic is aware that it may not address all questions as many different situations may arise in supply chains. The arrangements between individual suppliers and individual customers may also be either more complex than supposed in the questions considered in this paper or may differ from these. Should you have a specific issue please discuss it with your supplier. Companies are also advised to check individual cases with their company lawyers.

Availability of REACH Registration numbers

Although 1st December 2010 was the registration deadline for many substances, this does not imply that from now onwards all substances will have a REACH Registration number. Only manufacturers or importers of substances above 1000 tpa or substances with certain hazard classifications (CMR substances above 1 tpa and R50/53 substances above 100 tpa) were required to have registered their substances by this date, if not exempted from REACH Registration (e.g. polymers, food additives, noble gases, etc.)¹. Lower volume producers or importers of phase-in substances have extended registration deadlines of 1st June 2013 or 1st June 2018. Hence, these companies are still legitimate suppliers even if their products do not have a registration number, provided they have fulfilled their pre-registration obligations, if necessary.

For those who registered by 30th November 2010, the registrant will only receive the registration number after the dossier has been accepted by ECHA and following payment of the registration fee, therefore he may not receive the registration number until well into 2011 even though the submission was made on time. Such substances are legally on the market since the submission date was before the 1st of December 2010

The registration number will be communicated through the supply chain by the Safety Data Sheet (SDS) or the documentation provided by the supplier to enable appropriate risk management measures to be identified when a SDS is not required². No additional communication of the registration number is legally required. The availability of the registration number is not considered as a major change and will therefore not necessarily trigger an immediate update of the SDS. In addition, there may be several steps in the supply chain between the registrant and all Downstream Users resulting in unavoidable delays in the communication of this information via the updated SDS.

¹ Annual volumes below 1 tpa are also exempted from REACH Registration

² According to REACH article 32(1)-d



Therefore the update of the SDS with the registration number and other relevant information extracted from the registration dossier might not reach downstream users until well into 2011. This information will have to be forwarded by each subsequent actor in the supply chain.

For mixtures, a registration number may not be available for all hazardous ingredients shown on the SDS because of various reasons explained above.

During inspections by Enforcement Authorities, requests may be made about registration numbers of purchased substances. In some cases, suppliers are allowed to truncate the registration number by omitting the last 4 digits (which are company-specific). In this case a downstream user does not have the complete registration number, and the request must be re-directed to the relevant supplier(s) who should then respond directly to the inspector.

Substances in stock

Pre-registered substances that are manufactured or imported before the relevant registration deadline can still be placed on the market after this date by:

- manufacturers or importers that have ceased such activities before the relevant registration deadline
- any downstream user, distributor or supplier in the same supply chain

even if the manufacturer or importer did not submit a registration.

If the manufacturing/importing activities have not ceased before the relevant registration deadline, the manufacturer/importer must stop his activity and submit a registration dossier before he can resume production/import. However, any actor down the supply chain who is not subject to the registration obligation may continue to use and/or supply quantities of the substance that were supplied to them before the registration deadline.

Implications of update of Candidate list for Authorisation

The term “Substance of Very High Concern” (SVHC) is used for hazardous substances that have been included in the Candidate list for Authorisation³. This inclusion does not automatically imply that the substance poses a risk in a specific use. Inclusion on the Candidate list may lead to a need for an Authorisation of the use at a later time, but it does not create any immediate limitations on use of the substance.

Furthermore, it does not affect the Classification and Labeling of the substance or of a mixture containing the substance, nor does it elicit specific supply chain communication beyond those for any other hazardous substance.

³ http://echa.europa.eu/chem_data/authorisation_process/candidate_list_en.asp

The presence of SVHCs in chemical mixtures will be communicated by suppliers of those mixtures via the SDS, following the usual rule for the communication of hazardous substances. There is no additional obligation for suppliers of mixtures containing SVHCs besides the usual obligations regarding SDS.

There is however a need to consider a communication in case an article contains SVHCs. Suppliers of articles will also inform on the presence of SVHCs above 0.1% in an article to their customers, separately. If the articles are sold to consumers, this communication will be done only upon request, outside the SDS (so called Article 33 information). These communications will be updated if necessary, following ECHA's semi-annual update of the Candidate list.

There is no need for downstream users to request statements from suppliers about the "absence of SVHCs". Relying on the existing supply chain communication channels (such as the SDS and Article 33 information) allows companies to comply with all the downstream user obligations related to substances in the Candidate list.

Downstream users' implications of CLP notification obligations

As of the 1st of December 2010 EU manufacturers and importers are required to notify to ECHA any substance considered to be in scope of the CLP Regulation. This notification must be done within one month after placing the substance on the market by that legal entity. EU manufacturers and importers had the possibility to notify relevant substances already placed on the market before the 3rd of January 2011.

The CLP Regulation is explicit that the responsibility for notifying substances to the C&L inventory is confined to EU manufacturers and importers. In this respect downstream users of substances or mixtures (such as EU-based formulators who are not themselves the manufacturer or importer) have no responsibility to notify substances to this inventory.

The suppliers do not have the obligation to inform the downstream users on the fact that they have submitted a CLP notification. Furthermore there is no need for downstream users to receive confirmation from upstream suppliers that substances have been notified to the C&L inventory in order to continue to use the substances in their own products. Similar to the pre-registration number, the C&L Notification number is for internal use of the importer/manufacturer only.